



An Act to require the owners of Thrashing and other
Machines to guard against accidents.

WHEREAS numerous accidents occur from the use of un- Preamble.
covered tumbling rods and knuckles or joints of
tumbling rods of thrashing and other machines :

Therefore Her Majesty, by and with the advice and consent of
5 the Legislative Assembly of the Province of Ontario, enacts as
follows :—

1. That all persons in the said Province of Ontario, owning or Tumbling rods
and joints to
be covered.
running any thrashing machine, wood sawing or other machine,
which is connected to a horse power by means of a tumbling rod
10 or line of shafting, shall cause each and every length or section
of such tumbling rod (except the one next the horse power), to-
gether with the knuckles or joints and jacks thereof, to be safely
boxed or secured while running, with wood or metal covering, in
such manner as to prevent injury to persons passing over or
15 near such tumbling rod, and the knuckles or joints and jacks
thereof.

2. Any person or persons owning or running any thrashing, Penalty for
non-com-
pliance with
provisions of
this Act.
wood sawing or other machine, connected to a horse power by
means of a tumbling rod or line of shafting, who shall neglect
20 or refuse to comply with the provisions of this Act, shall, on
summary conviction, on information or complaint before one or
more justices of the peace, be liable to a fine of not less than one
dollar nor more than twenty dollars, over and above the costs of
prosecution, and in default of payment of such fine and costs,
25 the offender shall be imprisoned in the nearest common gaol for
a period of not less than two nor more than twenty days, at
the discretion of such justice or justices of the peace.

3. No action shall be maintained, nor shall any legal liability No action for
services ren-
dered if provi-
sions of this Act
are not com-
plied with.
exist for services rendered by or with any machine, as mentioned
30 in the first section of this Act, when it shall be made to appear
that such first section of this Act has not been complied with.

4. All fines imposed and collected under this Act shall be Disposition of
fines.
paid one half to the complainant or prosecutor, and the other
half to the treasurer of the school section in which the offence
35 was committed, for the use of the public school in such section ;
and all proceedings against any person for any violation of the
first section of this Act, shall be commenced within thirty days
of the commission of the offence. Proceedings to
commence
within thirty
days.

5. No conviction under this Act shall be annulled or vacated Convictions
defective in
form.
40 for any defect in the form thereof, or for any omission or infor-
mality in any summons or other proceeding under this Act, so

Appeal from
convictions.

long as no substantial injustice results therefrom ; and all convictions or orders under this Act shall be appealable under the provisions of the Act of the Parliament of Canada, passed in the thirty-third year of Her Majesty's reign, and chaptered twenty-seven.

5

No. 2.

3rd Session, 2nd Parliament, 36 Victoria, 1874

BILL.

An Act to require owners of Thrashing and other Machines to guard against accidents.

First Reading, 13th January, 1874.

MR. CLARKE (*Wellington*).

TORONTO :

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An Act to amend the Public and High School Laws

Contents.

COUNCIL OF PUBLIC INSTRUCTION.

Sections 1 to 23, inclusive.

HIGH SCHOOL AND COLLEGIATE INSTITUTES.

Sections 24 to 30, inclusive.

PROVISIONS RELATING TO PUBLIC SCHOOLS.

Sections 31 to 66, inclusive.

MISCELLANEOUS PROVISIONS.

Sections 67 to 75, inclusive.

HER MAJESTY, by and with the consent of the Legislative Assembly of Ontario, enacts as follows ;

COUNCIL OF PUBLIC INSTRUCTION.

Three additional Members to be Elected to the Council.

1. In addition to the number of persons now composing the Council of Public Instruction for Ontario, the Council shall hereafter include one member, to be elected by the Inspectors of Public Schools, one by the legally qualified Masters and Teachers of High Schools and Collegiate Institutes, and one by the legally qualified Teachers of Public and Separate Schools.

Additional Members of Council of Public Instruction to be elected.
By Inspectors, High, Public and Separate School Teachers.

Time of Election of the Three Members to the Council.

2. The first of the said elections shall be held on the first Tuesday of August in the year of Our Lord one thousand eight hundred and seventy four; and the succeeding elections on the first Tuesday in August in subsequent years; and the persons elected at any such election, shall hold office until the elections for the following year or years, have taken place.

First election.
Subsequent elections.

Vacancies of Elected Members to be filled up.

3. In case of a vacancy occurring six months or more before the time for holding the next periodical election applicable to the case, the Chief Superintendent shall forthwith appoint a time for holding an election to fill the vacancy, and shall give one month's notice thereof in such manner as the Council of Public Instruction shall direct.

Vacancies.

Term of Office of the Elected Members of the Council.

- Members elected by inspector and high school masters.** 4. The persons first elected by the Public School Inspectors and by the Masters and Teachers of the high schools and collegiate institutes, shall continue in office for one year, to be reckoned from the time of their election respectively.
- Members elected by public and separate school masters.** 5. The person first elected by the Teachers of the public and separate schools shall continue in office for two years, to be reckoned from the time of his election.
- Subsequent elections.** 6. Every person subsequently elected as a member of the Council, (except to fill a vacancy) shall hold office for two years, to be reckoned from the time of his election, and until his successor is elected; and the person elected to fill a vacancy shall hold office for the term of the person in whose place the former is elected.

Election Lists.—Duty of Inspectors and High School Boards.

- Inspector to prepare election lists,** 7. For the purpose of the said elections, it shall be the duty of every Inspector of public schools, not later than the first day of June of the years one thousand eight hundred and seventy-four, and one thousand eight hundred and seventy-six, and not later than the first day of June of every subsequent second year thereafter, to prepare and exhibit publicly in his office, an alphabetical list of the names and post-office address of every legally qualified teacher in each of the public and separate schools within his municipality or jurisdiction.
- open to inspection.** 8. This list may be examined by any teacher of a public or separate school at all reasonable times for one month from such first day of June.
- Errors.** 9. In case any interested party complains to the said Inspector in writing of the improper omission or insertion of any name in the said list, it shall be the duty of the inspector forthwith to examine into the complaint, and rectify the error, if any there be.
- Transmit list to chief superintendent.** 10. The inspector shall, for the purposes of this Act, transmit to the Chief Superintendent of Education, not later than the first day of July in each of the aforesaid years, a duly certified copy of such corrected alphabetical list of legally qualified Teachers (in a form to be provided for that purpose); and all the persons named in the list shall be deemed entitled to vote.
- High school board return.** 11. Every high school board or collegiate institute board (or Board of Education, in case of union with a Public School Board), shall furnish in like manner to the Chief Superintendent, not later than the first day of July in the years one thousand eight hundred and seventy-four and one thousand eight hundred and seventy-five, and not later than the first day of July in every subsequent second year thereafter, a return of the name and address of every legally qualified master of, and teacher in a high school or collegiate institute at that time employed by the

Remedy in case of non-receipt of Election Lists or of Doubt.

- 12.** In case of the non-receipt by the Chief Superintendent, or other officer of his department, of any alphabetical list or return mentioned in the preceding sections, or in case of any doubt which may arise in regard to the right of any person whose name is attached to a voting paper to vote at an election, the Chief Superintendent, or other officer on his behalf, and the scrutineers appointed, as herein provided, shall decide according to the best evidence within their reach as to the right to vote of any inspector, master or teacher who may by a voting paper claim to exercise that right; provided always that in case an election to fill a vacancy is required to be made by the masters and teachers of the Public and Separate or High Schools and Collegiate Institutes, a new alphabetical list of voters shall be furnished to the Chief Superintendent, by the Inspectors and Boards of School Trustees, respectively, two weeks before the time fixed for such election, otherwise the list then last received by the Chief Superintendent shall be used.

In case of non-receipt of list or doubt.

Scrutineers may decide.

Lists in case of vacancies.

Mode of Election of Members.

- 13.** Every election by Inspectors, Masters or Teachers held under this Act shall be in the manner following, that is to say:—
- 20** (1) The votes shall be given by closed voting papers (in the form in the schedule of this Act) delivered to the Chief Superintendent of Education, or to the Deputy Superintendent, or other officer of the Education Department appointed for this purpose by the Chief Superintendent of Education.
- 25** (2) Any voting papers received by post, or otherwise, by the said Chief Superintendent, or other officer appointed by him, during the said first Tuesday of August, or other appointed day, or during the preceding week, shall be deemed to be duly delivered to him;
- 30** (3) The said voting papers shall, on the day succeeding the first Tuesday (or other appointed day, in case of election to fill a vacancy) be opened by the said Chief Superintendent, or other officer aforesaid, in the presence of two or more scrutineers, to be appointed for that purpose by the Council of Public Instruction;
- 35** (4) The said Chief Superintendent, or other officer, and the scrutineers shall scrutinize and count the votes, and keep a record thereof in a proper book to be provided for the purpose, which book shall be preserved in the office of the said Chief Superintendent, and shall at all reasonable times be open to the inspection of every person desiring to see the same;
- (5) Any person entitled to vote at the election, shall be entitled to be present at the opening of the voting papers;
- 40** (6) The person having the highest number of votes of the members of the body voting for him, shall be deemed to have been elected;
- 45** (7) In case of an equality of votes between two or more persons, the said scrutineers shall forthwith put in a ballot-box papers with the names of the candidates having said equality of votes written thereon, one for each candidate; and the Chief Superintendent, or other officer acting for him as aforesaid, shall draw by chance from the ballot-box, in the presence of the scrutineers, one of such papers; and the person whose name is upon the paper so drawn, shall be deemed to have been elected.

Voting papers to be sent to Chief Superintendent.

During preceding week.

Papers to be opened by the Chief Superintendent in presence of scrutineers.

Scrutineers count and record votes.

Book open to inspection.

Who shall be elected.

Case of equality of votes.

Ballot.

Certificate of Election as Members of Council.

Certificate of election to chairman of council.

And to elected member.

14. At the close of every election under this Act, the Chief Superintendent or other officer on his behalf, and the other scrutineers, shall certify to the Chairman of the Council of Public Instruction under their hands and seals, the name of the person or persons who, having the majority of votes, shall be declared by them to be duly elected a member or members of the Council, and shall also send to each member elected a like notification of his election. 5

Order of Retirement of Appointed Members.

Present members to retire in one and two years.

15. Four of the present members of the Council (not including the Chief Superintendent of Education, or, in his absence, the Deputy Superintendent) to be determined by lot at the first meeting of the Council held next after the passing of this Act shall retire from office at the end of one year from the passing of the Act, and four of the remaining appointed members shall hold office for two years from the passing of this Act, unless the appointment be determined at an earlier date by revocation thereof, resignation, or otherwise. 15

Period of office of Appointed Members.

New members appointed to hold office two years.

16. Every person hereafter appointed to the said Council by the Lieutenant-Governor shall hold office for two years from the date of his appointment (and until his successor be appointed), unless such appointment is determined at an earlier date by revocation, resignation or otherwise. 20

Re-appointment of Members.

May be reappointed.

17. Nothing herein contained shall prevent the re-appointment of any member before or after the expiration of his term of office.

University Colleges may elect Members to the Council.

Members ex officio.

18. On and after the passing of this Act, and in every subsequent second year thereafter, one person may be elected to the Council of Public Instruction by the Council of University College, and one by every Academic Body in Ontario possessing University powers; such election when held shall be certified to the Chief Superintendent by the President, Registrar, or other officer of the College or Academic Body concerned. 25

Interim and other Committees may be appointed.

Committees of Council.

19. It shall be competent for the Council of Public Instruction at any sitting thereof to resolve itself into a committee of the whole for the transaction of business; and also to appoint from time to time an Interim Committee of its own members, which, under regulations framed by the Council, shall be authorized to exercise any of the functions of the Council itself during the intervals of its sessions. 30 35

Council may inquire into School Matters, and Report.

Council may inquire into school matters, and report.

20. The Council shall have authority to inquire into and report upon any matter connected with the administration of the school system, or with the interests of schools, which may be referred to the Council by the Lieutenant-Governor, or by the Chief Superintendent of Education. 40

Record of Yeas and Nays at Meetings of Council.

21. In case of a division of opinion on any question at a meeting of the Council of Public Instruction, or of the Interim Committee, any member may call for the yeas and nays, and a record of the names of the members voting yea and nay respectively shall be entered by the Recording Clerk in the minutes of proceedings. Record of yeas and nays.

Members' Travelling Expenses to be paid.

22. The travelling expenses of any of the members of the Council residing outside of Toronto attending the regular meetings of the Council may be paid by the Lieutenant-Governor, out of any public funds which may be appropriated by the Legislature for that purpose. Provision for travelling expenses.

Report of Proceedings to be published in Journal of Education.

23. A report of the proceedings at every meeting of the Council shall be published in the next succeeding number of the *Journal of Education*; but this shall not apply to meetings of Committees of the Council, except that a report of the proceedings of the Interim Committee shall be published from time to time in like manner as of the Council. Publish report of proceedings.
Exception.

HIGH SCHOOLS AND COLLEGIATE INSTITUTES.

County Council to raise equivalent to High School Grant.

24. Every Municipal Council of a county or union of counties shall provide every year, by local assessment or otherwise, a sum which shall be equal, clear of all charges, to the amount apportioned from the legislative grant for teachers' salaries to the high school and collegiate institutes of the county or union of counties. County council to raise equivalent to Legislative grant to high schools.

Preparatory classes may be established.

25. It shall be competent for the Board of Trustees of any High School or Collegiate Institute to establish a preparatory school, class or classes for the preparation of pupils for admission to such High School or Collegiate Institute: Provided always, that no part of the Legislative grant or of the County assessment for High School or Collegiate Institute purposes shall be applied towards the expenses of the establishment, teaching or maintenance of such preparatory school, class or classes. Preparatory classes.
Proviso.

County Pupils to be admitted on equal terms with Local Pupils.

26. Pupils residing in any part of the county or union of counties, shall have the right to attend any of the high schools or collegiate institutes in the county or union of counties, upon the same terms as pupils resident in the town, village or school division within which the high school or collegiate institute is situated. Admission of pupils from county.

Admission of Pupils to High Schools and Collegiate Institutes.

27. The thirty-eighth section of chapter thirty-three of the Statutes of this Province, passed in the thirty-fourth year of

Her Majesty's reign, shall be amended so as to read as follows :—

- Council of public instruction to prescribe programme, papers, etc. 38. It shall be the duty of the Council of Public Instruction from time to time to prescribe by regulations (to be approved of by the Governor in Council) the subjects, times, and extent of the examinations which it shall be necessary for pupils to undergo in order to obtain admission into the high schools and collegiate institutes, and also to determine the standard to be attained by each pupil at such examinations: 5
- Papers for uniform examination. (2) The Council shall, from time to time, require the central committee, appointed by the council for the examination of public school teachers, to prepare, under the direction of the Council, questions for the uniform examination of pupils for admission to high schools and collegiate institutes; 10
- Papers and instructions to be sent. (3) The examination papers so prepared, with the value assigned to each question, and with directions from the Chief Superintendent of Education, or instruction as to any further examinations which the Council may desire to be made *viva voce*, are to be transmitted by the Chief Superintendent to the Inspector of Public Schools of the city (in case of a city), or of the county (in the case of a county), or of a town in the territorial limits of the county. 15 20
- Provisional admission. (4) The local Board of Examiners shall have authority to admit provisionally any pupil who shall have duly passed the required examination under the regulations and directions aforesaid;
- Inspector's return to Chief Superintendent. (5) The Inspector shall prepare a return (in a form to be provided for that purpose) with respect to every examination; and he shall forward the return, together with the answers of the pupils, to the Chief Superintendent of Education within ten days after the examination, in order that the same may be considered and reported upon to the Chief Superintendent by the central committee; and the committee shall report thereon, and confirm, disallow, or cancel the admission of any pupil, or may require of any pupil further tests of proficiency in any subject of the prescribed programme of examination; 25 30
- Central Committee
- County Inspector to be paid, also Town. (6) The Inspector, for the services aforesaid, shall be paid by the council of the county the same remuneration as is provided by this Act in respect of the examiners of public school teachers; 35
- Inspector. Duties and pay. (7) In the case of a city or town the Inspector shall be paid by the Public School Board of such city or town a sum at the rate of *five dollars* per day while engaged in the examination; 40
- Contingent Expenses. (8) The County Council, or city or town Board, aforesaid, (as the case may be) shall respectively provide for the payment of the contingent expenses of the examination, as certified by the Board of Examiners.
- Inspector may appoint person to preside. (9) Where, in any county or union of counties there is a collegiate institute, as well as a high school, or where there are in any county or union of counties more high schools than one, or where from illness or other unavoidable cause the Public School Inspector is not able to attend in person, he may appoint another duly qualified person to act as presiding examiner in his place at the examination of candidates for admission to any high school or collegiate institute; 45 50
- Duties and allowance. (10) The person so appointed shall be bound by the same regulations as if he were the presiding Inspector, and shall be entitled to the like remuneration for his attendance; and at the close of the examination he shall (if a member of the local Board of Examiners) lay before the Board, or (if he be not such member) he shall forthwith deliver, or transmit to 55

the Inspector, to be laid before the Board, the Examination Papers and answers of the candidates.

Allowance for Public School Pupils who pass High School Examination

28. The Council of Public Instruction shall have authority to frame regulations from time to time, under which it shall be lawful for the Chief Superintendent of Education to pay out of the Legislative Grant, to any public school teacher or teachers, a sum at the rate of — *dollars* for every pupil who shall have been prepared for a High School or Collegiate Institute by such teacher or teachers during the last preceding year, (as certified by the Inspector,) and who, at the end of such year, shall have successfully passed the examination for admission to a high school or collegiate institute, and for every pupil who shall have successfully passed such examination with honours he shall pay a sum at the rate of — *dollars*; and a list of both classes of pupils, with the names of the teacher or teachers by whom they were prepared (as certified by the Inspector) shall be published in the *Journal of Education*.

Allowance to Public School Teachers for pupils who pass High School Examinations.

List to be published.

Establishment and discontinuance of High Schools.

29. Every county council, at or before its June session in any year, but not later, shall have authority (with the concurrence of the Lieutenant-Governor in Council, on the report and recommendation of the Chief Superintendent of Education) to decide upon the establishment of any new, and upon the discontinuance at end of the then civil year, of any existing, high school in any part of the county within the jurisdiction of the said county council.

Council may, with consent of Governor, establish and discontinue high schools.

Union of High and Public School Trustee Boards.

30. The fifth section of the Act passed in the twenty-ninth year of Her Majesty's reign, and chaptered twenty-three, shall be amended so as to read as follows:—

5. In all cases of the union of High School (or Collegiate Institute) and Public School Trustee Corporations, whether such union has heretofore taken place or shall take place hereafter, all the members of both Corporations shall constitute a joint Board, and shall as long as the union exists be a Corporation, under the name of *The Board of Education for the City* (Town, or Incorporated Village of , or School Section, No. , in the Township of , as the case may be); and seven of the members of the Board shall form a quorum;

Case of union of High and Public School Trustees provided for, And case of dissolution of such union.

- 5a. The union may be dissolved at the end of any year by resolution of a majority present at any lawful meeting of the said Board of Education called for that purpose;

Union may be dissolved.

- 5b. On the dissolution of such union, the school property held or possessed by the Board of Education at the time shall be divided or applied to school purposes, as may be agreed-upon by a majority of the Public School Trustees and of the High School (or Collegiate Institute) Trustees respectively, present at meetings called for that purpose; or if they fail so to agree within the space of six months after such dissolution, then the division shall be made by the Municipal Council of the city, town, or incorporated village within the limits of which such Public and High Schools (or Collegiate Institute) are situated; and, should the High School be situated in a School Section or unincorporated village, the division (in case of failure and agree as aforesaid) shall be made by the County Council.

Disposition of School property.

By whom made

PROVISIONS RELATING TO PUBLIC SCHOOLS.

Alteration in Rural School Section Boundaries.

School section boundaries must be altered by 1st May. **31.** Every alteration made in the boundaries of a rural school section by a Township Council, under the restrictions imposed in the Public School Acts, shall be by By-law, which By-law shall be passed not later than the first day of May in any year; and it shall be the duty of the Township Clerk to send forth- 5 with, after the By-law has been passed, a written notice of the alteration to the trustees of every school section affected by the alteration, and to the Public School Inspector.

Notice.

Appeal to County Council Its Committee may settle School Section Boundary Disputes.

Appeal against formation or alteration of school sections. **32.** The sixteenth section of the Act passed in the thirty-fourth year of Her Majesty's Reign, and chaptered thirty- 10 three, shall be altered so as to read as follows :—

Authority of county councils to appoint committees to settle complaints. 16. The majority of the trustees, or any five rate-payers, of one or more school sections, shall have the right of appeal or complaint to their county council against any by-law or resolution passed at any time previously by their township council for 15 the formation or alteration of their school section or school sections; and the county council shall appoint a committee of not more than five, or less than three, competent persons (two of whom shall be the County Judge and a County Inspector), and a majority of whom shall form a quorum, to investigate the 20 matter of the appeal or complaint, and to revise and alter the boundaries of the school section or school sections, so far as to settle the matters complained of; Provided always, that no person shall be competent to act on the committee who was or 25 is a member of the township council which passed the by-law or resolution complained of; And provided also, that the alterations made in the boundaries of any school section or school sections by such committee, shall not take effect before the 30 twenty-fifth day of December of the year in which the alterations are made, (and of which alterations due notice shall be given by the inspector to the clerk of the township and to the trustees of the school sections concerned); Provided furthermore, that the school boundaries of a school section or other division existing at the time of the passage of a by-law incorporating it as a vil- 35 lage municipality, shall continue in force, notwithstanding its incorporation, until such boundaries are altered under the authority of the school laws.

Proviso—Who may not act on the committees.

Proviso—Alteration in the sections not to take place before the end of the year.

Proviso—School boundaries in villages.

Union School Section and Division Boundaries.

Union section and division boundaries to be made by Reeves and Inspectors, &c. **33.** Every alteration in the boundaries of a union school section or division shall, (under the restrictions imposed by the fortieth section of chapter sixty-four of the Consolidated Sta- 40 tutes of Upper Canada), be made, in the case of the townships, by the Reeves of the townships and the Inspector of the county or counties; and in the case of towns and villages, by the reeves, the county inspector or inspectors, and a person appointed by the Public School Board as its representative for this purpose; 45 and the alteration is to be made by a majority of the said persons who may be present at a lawful meeting called for that purpose.

Majority present.

Question of a Township Board to be annually submitted to Ratepayers.

34. In order to ascertain the opinion of the ratepayers in regard to the formation of a Township Board of School Trustees, it shall, at every annual school meeting in rural school sections, be the duty of the person presiding at the meeting to submit to the ratepayers present the question of the establishment of such a Board in the Township.

Question of Township Board to be annually submitted to ratepayers.

Township Boards—value of school section property.

35. Before giving effect to the fourteenth section of chapter thirty-three of the Statutes of this Province, passed in the thirty-fourth year of Her Majesty's reign, for the formation of township boards of public school trustees, the township council shall appoint the county inspector, jointly with two other competent persons, to value the existing school houses, school sites, and other school property in each and every section of the township, and upon their report to adjust the claims of every school section, in regard to the estimated value in said report of its school house, site and other property, in such manner as the township council may deem just and equitable.

Township valuers to estimate value of each school section property.

Remuneration to school section Valuers.

36. The inspector and other persons, while engaged in the valuation of school sites and other school property and reporting thereon, shall be entitled to receive from the township council an allowance per day and for travelling expenses of not less an amount than that paid to a member of the county council for attendance at its meetings.

Remuneration to valuers.

Township may vote money to be apportioned according to the rate of Teachers' salaries.

37. The municipal council of any township may at its discretion, either out of moneys raised by rate, or out of any other moneys at its disposal and not otherwise specifically appropriated, apportion a sum to all of the public schools in the township equal to such proportion as the council may see fit of the actual salaries paid in the respective school sections during the year then last past to the public school teachers of such sections; and if a majority of the ratepayers present at special school meetings (called for that purpose) in a majority of school sections, require the township council, at or before its August meeting, to raise a rate for the said purposes, it shall be the duty of the council without unnecessary delay to raise said rate, and to apportion it among the public schools of the township in the manner aforesaid.

Township councils may apportion rates or other moneys according to rate of teachers' salaries.

Public meetings may require assessment to be raised and so applied.

Rural school trustee loans authorized.

38. The thirty-fifth section of chapter sixty-four of the Consolidated Statutes of Upper Canada, shall be amended so as to read as follows:

35. Any township council may by by-law grant to the trustees of any school section (on the application of the said trustees) authority to borrow such sums of money as the trustees may deem necessary for the purchase of school sites, for the erection or repair of school-houses and their appendages, or for the purchase or erection of a teacher's residence; and in the

Trustee Loans.

by-law the township council shall provide for the issue of a debenture or debentures for the amount of the loan, and shall cause to be levied in each year, upon the taxable property of the section, a sum sufficient to pay the interest on the amount borrowed; and also a sum sufficient to pay off the principal during any period not exceeding ten years, as may be agreed upon by the trustees and the lender of the money. 5

Titles to school sites and other property.

Who may convey school sites.

39. All Corporations and persons whatever, tenants in tail or for life, guardians, executors, administrators, and all other trustees whatsoever, not only for and on behalf of themselves, their heirs and successors, but also for and on behalf of those they represent, whether infants, issue unborn, lunatics, idiots, femmes-covert, or other persons, seized, possessed of or interested in any land, may contract for, sell and convey all or part thereof to school trustees for a school site, or an addition to the school site, or for a teacher's residence; and any contract, agreement, sale, conveyance and assurance so made shall be valid and effectual to all intents and purposes whatsoever; and the Corporations or persons so conveying are hereby indemnified for what they respectively do by virtue of or in pursuance of this Act: 20

Remedy in case of absence of owner.

(2.) If the owner of land duly selected for the said purpose is absent from the county in which the land lies, or is unknown, the trustees may procure from a sworn surveyor a certificate that he is not interested in the matter; that he knows the land, and that some certain sum therein named is, in his opinion, a fair compensation for the same; and on filing the said certificate with the judge of the county court of the county in which the land lies, accompanied by an affidavit or affidavits which shall satisfy the judge that the owner is absent from the county, and that after diligent enquiry, he cannot be found, the judge may order a notice to be inserted for such time as he shall see fit in some newspaper published in the county; and he may, in addition thereto, order a notice to be sent to any person by mail, or may direct service of the same to be effected in any other way as he shall see fit; 25

What notice shall contain.

(3.) The said notice shall contain a short description of the land; a declaration of the readiness of the trustees to pay the sum certified as aforesaid; shall give the name of a person to be appointed as the arbitrator of the trustees if their offer of that sum be not accepted; shall name the time within which the offer is to be accepted, or an arbitrator named by the owner; and shall contain any other particulars which the county judge may direct; 30

Arbitrators.

Judge may appoint one.

(4.) If within such time as the judge directs the owner does not notify the trustees of the acceptance of the sum offered by them, or notify to them the name of a person whom he appoints as arbitrator, the judge shall, on the application of the trustees, appoint a sworn surveyor to be sole arbitrator for determining the compensation to be paid for the property; 35

Responsibility of trustees as to compensation.

(5.) Where land is taken by the trustees without the consent of the owner, the compensation to be paid therefor shall stand in the stead of the land; and after the trustees have taken possession of land, any claim to or incumbrance upon the same or any portion thereof, shall, as against the trustees, be converted into claim to the compensation, or to a proportion thereof, and the trustees shall be responsible accordingly whenever they have paid such compensation or any part thereof to 50 55

a party not entitled to receive the same, saving always their recourse against such party ;

- (6.) If the trustees have reason to fear any claims or incum-
 brance, or if any party to whom the compensation or any part
 5 thereof is payable, refuses to execute the proper conveyance,
 or if the party entitled to claim the same cannot be found or is
 unknown to the trustees, or if for any other reason the trustees
 deem it advisable they may, pay the arbitration and other
 expenses, and deposit the amount of the compensation with the
 10 county treasurer, or in such other manner as the Inspector
 may direct, with interest thereon for six months, and may
 deliver therewith an authentic copy of the conveyance ; or
 of the agreement or award if there be no conveyance ; and such
 agreement or award shall thereafter be deemed to be the title
 15 of the trustees to the land therein mentioned, and shall be a
 good title thereto against all persons interested in the property
 in any manner whatever, and shall be registered in the registry
 office on an affidavit of one of the trustees verifying the same.
- In case of incumbrance.*
Deposit of compensation money.
Award to be registered.

Enlargement of Rural School Sites.

- 40 **40.** The seventeenth section of chapter thirty-three of the
 Statutes of this Province, passed in the thirty-fourth year of
 Her Majesty's reign, shall not be held to restrict trustees in the
 enlargement of an existing school site to the required dimen-
 sions : Provided that no such enlargement shall be made in the
 direction of the orchard, garden, or dwelling-house, without the
 25 consent of the owner of the land required, unless the school site
 cannot be otherwise enlarged ; nor shall it, without the con-
 sent of such owner, include any part of his garden, orchard,
 or the grounds attached to his dwelling-house.
- Enlargement of school site.*
Proviso.

Two or more Schools in a Rural Section.

- 30 **41.** Where, from the large size of a school section, or from
 its physical conformation, or other cause, the children of the
 section are unable to attend the school established therein, the
 trustees may, with the concurrence of the inspector, as provided
 by law, select the site and establish and maintain an additional
 school or additional schools in the section, and may procure or
 35 erect the necessary buildings therefor ; and every such school
 shall be subject to the same regulations and obligations as public
 schools generally.
- Two or more schools in a section authorized.*
Condition.

Annual Return of Children not attending any School.

- 42.** It shall be the duty of the trustees of every public school:
 (1.) To ascertain before the thirty-first day of December in
 40 every year, through the assessor, collector, or some other person
 to be appointed for that purpose, and paid by them, the names,
 ages and residences of all the children of school age in their
 school section, division or municipality, as the case may be—
 distinguishing those children between the ages of seven and
 45 twelve years inclusive—who have not attended any school,
 (or who have not been otherwise educated) for four months of the
 year, as required by the third section of the Act of the Legisla-
 ture, passed in the thirty-fourth year of Her Majesty's reign,
 and chaptered thirty-third ;
 50 (2.) To notify personally, or by letter or otherwise, the parents
- Trustees to ascertain names of absentee children.*
34 V., c. 33. s. 3.
Notify Parents

or guardians of such children of the neglect or violation on their part of the provisions of said third section.

Complaint to be made to Magistrate.

43. In case, after having been so notified, the parents or guardians of such children continue to neglect or violate the provisions of the said third section of the said Act, it shall be the duty of the trustees to impose a rate-bill on such parents or guardians not exceeding one dollar per month for each of their children not attending school, or to make complaint of such neglect or violation to a magistrate having jurisdiction in such cases, as provided by the fourth section of said recited Act, and to deliver to said Magistrate a statement of the names and residences of the parents or guardians of such children.

Impose a rate-bill or make complaint to magistrate.

Right of Public and High School Teachers to Superannuation Allowance.

44. Every teacher who, while engaged in his profession, contributes to the Superannuated Teachers' Fund as provided by law, shall, on reaching the age of sixty years, be entitled to retire from the profession at his discretion, and receive an allowance or pension at the rate of six dollars per annum for every year of such service in Upper Canada or Ontario, upon furnishing to the Council of Public Instruction satisfactory evidence of good moral character, of his age, and of the length of his service as a Public or High school teacher in Upper Canada or Ontario; and such pension may be supplemented out of local funds by any Public or High School Board or Board of Education, at its pleasure.

Right of teachers to retire.

Pension on reaching 60 years of age.

Condition of pension.

45 Every teacher under sixty years of age who has contributed as aforesaid and who is disabled from practising his profession, shall be entitled to a like pension, or local supplementary allowance, upon furnishing the like evidence, and upon furnishing from time to time, in addition thereto, satisfactory evidence of his being disabled.

Teachers under 60.

Proviso in regard to good moral character.

46. The retiring allowance shall cease at the close of the year of the death of the recipient, and may be discontinued at any time should the pensioned teacher fail to maintain a good moral character, to be vouched for (when required) to the satisfaction of the Council of Public Instruction.

Resume profession.

47. If any pensioned teacher shall, with the consent of the Council, resume the profession of teaching, the payment of his allowance shall be suspended for the time of his being so engaged; and, in case of his again being placed by the Council on the superannuation list, a pension for the additional time of teaching shall be allowed him, on his compliance with the law and regulations.

School Treasurer to pay over Superannuated Teachers' moneys.

School Treasurer to pay inspector superannuation money.

48. The municipal treasurer, or other treasurer of school money shall, at the end of each half year, pay over to the order of the Inspector the amount of money which is in such treasurer's hands, being money which said Inspector has deducted, as required by law, from salaries of male teachers for the superannuated teachers' fund for such half year.

Teachers' allowance for Holidays, and in case of Sickness.

49. Every master and teacher shall be entitled to be paid his salary for the authorized holidays occurring during the period of his engagement with the trustees, and also for the vacations which follow immediately on the expiration of the school term 5 during which he has served, or of the term of his agreement with such trustees; and in case of sickness, certified by a medical man, he shall be entitled to his salary during such sickness for a period at the rate of not exceeding four weeks for the entire year; which period may be increased at the pleasure of the 10 trustees.
- Teacher entitled to holidays and vacations.
Case of sickness.
Four weeks allowed.

Teachers' General and Class School Registers.

50. Every master shall keep, in the prescribed form, general and class registers, and he shall record therein the admission, promotion, removal, or otherwise, of the pupils in his school; and the said registers shall be provided at the expense of the 15 school by the trustees thereof.
- Teacher's general register.

Teachers must prosecute Claims for Salaries promptly.

51. The eighty-third section of chapter sixty-four of the Consolidated Statutes of Upper Canada shall only apply where the teacher prosecutes his claim for salary within three months after it is due and payable by the school trustees.
- Limit to Teachers' claim.

Other Duties not to interfere with Inspector's Duties.

- 20 52. No Inspector of Schools hereafter appointed shall, during his tenure of office, engage in or hold any other employment, office or calling which would interfere with the full discharge of his duties as Inspector as required by law.
- Inspector not to hold other offices.

Additional Allowance to County Inspectors and Special Inspectors in New Districts, etc.

- 25 53. Every county School Inspector shall be entitled to an allowance from the county council, including travelling expenses, of such an amount as the council may determine, when not fixed by law, for performing the following additional duties:—
- Additional allowance to County Inspectors.

- (1.) Equalizing annually, with the Reeves, as required by law, the assessments in union school sections or divisions.
- Equalizing Assessments.

- 30 (2.) Visiting and inspecting schools, and giving special certificates to teachers in new and remote townships, under the authority of this Act;
- Visiting new Townships.

- (3.) Any inspector, or other duly qualified person, appointed to inspect schools in new and remote townships, and to advise and encourage the settlers to establish schools for their children, under the regulations and with the aid provided by law, or to report on any school matter, shall be entitled to such additional or other remuneration out of any moneys appropriated by the Legislature for that purpose, as may be deemed just and equitable, considering the nature and extent of the duties to be performed.
- Additional remuneration.

Additional Allowance to County Board of Examiners.

54. The members of the county board of examiners shall be entitled to the same allowance from the county council for
- Additional allowance to examiners.

their time, travelling and other expenses, as members of the county council receive, and to such additional allowance as may be determined by such council.

Certificates to Teachers in new Districts.

Certificates to teachers in new districts.

Proviso.

3rd class certificates.

55. Any public school inspector may, under such general regulations or instructions as may be prescribed according to law, examine, and give special certificates from time to time, to teachers in new and remote townships in the county, riding or division in which he is inspector; which certificates shall be valid in such townships for the periods mentioned in the regulations; and under such general regulations, it shall be competent for an Inspector to endorse as valid, within the county, riding or division in which he is inspector, any third class certificate issued by any county or city board of examiners. 5 10

Formation of School Sections in Unorganized Townships.

Formation of School Sections in unorganized Townships.

Proviso.

Proviso.

56. In unorganized townships in any county or district it shall be lawful for the Stipendiary Magistrate thereof and the Public School Inspector (if any) of the County or District, or for the Stipendiary Magistrate alone if there be no Inspector, and for the Inspector alone if there be no Stipendiary Magistrate, to form a portion of a township, or of two or more adjoining townships, into a School Section: Provided that no such section shall, in length or breadth, exceed five miles in a straight line; and, subject to this restriction, the boundaries may be altered by the same authority from time to time, and the alteration shall go into operation on the twenty-fifth day of December next after such alteration: Provided further that no such school section shall be formed except on the petition of five heads of families resident therein. 15 20 25

Election of Trustees in unorganized Townships.

Election School Trustees.

57. After the formation of such a school section, it shall be lawful for any two of the petitioners, by notice posted for at least six days in not less than three of the most public places in the section, to appoint a time and place for a meeting for the election, as provided by law, of three school trustees for the section. 30

Powers and Obligations of Trustees in Unorganized Townships.

Trustees' powers and obligations.

58. The Trustees elected at such meetings, or at any subsequent school meetings of the section, as provided by law, shall have all the powers and be subject to all the obligations of Public School Trustees generally. 35

Annual School Assessment Roll in Unorganized Townships.

Annual Assessment Roll

59. The Trustees so elected shall annually appoint a duly qualified person to make out an assessment roll for the section, and shall transmit a certified copy thereof to the Stipendiary Magistrate (or Inspector); and it shall be the duty of the Stipendiary Magistrate, or of the Inspector, if there be no Stipendiary Magistrate, to examine the said roll, and correct any errors or improper entries which he shall perceive therein. 40

Revision of the School Assessment Roll.

- 60.** A copy of the said roll, as so corrected, shall be open to inspection by all persons interested, at some convenient place in the section, notice whereof, signed by the Stipendiary Magistrate, or Inspector if there be no Stipendiary Magistrate, is to be annually posted in at least three of the most public places in the section, and shall state the place and the time at which the Magistrate or Inspector will hear appeals against said assessment roll; and such notice shall be posted as aforesaid by the Trustees for at least three weeks prior to the time appointed for hearing the appeals.

Revision of
Assessment
Roll.

Appeal.

School Assessment Roll Appeals.

- 61.** All appeals are to be made in the same manner and after the same notice, as nearly as may be, as appeals are made to a Court of Revision in the case of ordinary municipal assessments, and the Magistrate (or Inspector) shall have the same powers as such Court of Revision.

Manner of
appeal.

Confirmed School Assessment Roll Binding.

- 62.** The annual roll, as finally passed and signed by the Magistrate (or Inspector,) shall be binding upon the trustees and rate-payers of the section until the annual roll for the succeeding year is passed and signed, as aforesaid.

Confirmed
Roll binding.

Special Certificates to Monitors or Assistants in High and Public Schools.

- 63.** Any Inspector of High Schools may, under general regulations and instructions framed by the Council of Public Instruction for that purpose, give a special certificate, to be valid for one year, to a senior pupil (or pupils) of a High School or Collegiate Institute, or other person, to act as monitor or assistant, or monitors or assistants, in such High School or Collegiate Institute; And in like manner any Public School Inspector may give a special certificate to any senior pupil or pupils of a Public School, or other person, to act, for the same period, as monitor or assistant, or monitors or assistants in such Public School: Provided always, that the Inspector shall not grant such certificate without being fully satisfied that the pupil or person is qualified to teach the subjects for which he has been or may be employed.

Monitors and
Assistants in
High and
Public Schools

Proviso.

Issue of Provincial and County Certificates.

- 64.** The first proviso of the twelfth section of the School Act, passed in the thirty-fourth year of Her Majesty's reign, and chaptered thirty-three, shall be altered so as to read as follows:
- (1) Provided that second as well as first class Provincial Certificates may be awarded by the Council of Public Instruction, and that second as well as third class Certificates may, under the regulations of the Council, be awarded by County and City Boards of Examiners.

34 Vic., c. 33
§12 1.

1st and 2nd
class provin-
cial certifi-
cates.

Public School Teachers' Examinations to be held yearly.

- 65.** Not more than one examination per annum shall be held in the several counties and cities for the granting of Public

Only one
examination

of teachers to be held yearly. School Teachers' Certificates ; which examination shall be held sometime during the month of July.

Place for Teachers' Examination to be provided.

County Council to provide place for teachers' examination.

66. It shall be the duty of every County Council and City Board of Trustees upon the application of the inspector to provide suitable rooms or other accommodation for holding the examination of teachers in the county or city. 5

MISCELLANEOUS PROVISIONS.

Certificates to Students of any Normal School in British Dominions.

Certificates to students of any normal school in British Dominions.

Nature of qualifications.

67. Upon passing the requisite examination, special certificates may be issued (under the conditions prescribed by law) to any person who has been trained at any Normal School in the British Dominions ; and the said certificates shall specify, among other qualifications, the standing of such person at such Normal School, and the extent of his ability and aptitude to teach, as evidenced by his certificates from such Normal School, or otherwise, to the satisfaction of the Chief Superintendent of Education. 15

Government of New Normal Schools.

Government of new normal school.

Examination of Students.

68. Wherever an additional Normal school shall be established, it shall be under the same government and regulations as are provided by law with respect to the present Normal School ; and it shall be the duty of the Council of Public Instruction to require at the close of the session of any Normal school in the Province an examination of the students ; which examination shall be by a Committee appointed by the Council, and shall be conducted according to the programme prescribed for the examination and classification of public school teachers generally. 25

Council of Public Instruction to examine Library and Prize Books.

Council to examine books sent by booksellers or others

Lists to be published in the Journal of Education.

69. It shall be the duty of the Council of Public Instruction :
 (1.) From time to time, to examine, or cause to be examined, any books the names of which have not heretofore appeared in the catalogues of the Education Department, and which may be forwarded (with a statement of their prices) to the Department by booksellers, or other parties, who may have the same for sale ; and to determine whether the same ought or ought not to receive the sanction of the Council for libraries or prizes in the public and high Schools and Collegiate institutes ; and the decision of the Council in respect thereof is, without delay, to be communicated to the said booksellers or other parties concerned. 30
 (2.) The books so forwarded are, on application, to be returned to the persons forwarding the same.
 (3.) The names and prices of the books sanctioned shall be published in the next number of the *Journal of Education*, with the dates respectively at which the books were received at the Education Department and laid before the Council for examination. 40

Chief Superintendent shall issue Catalogues of Approved Books.

- 70.** It shall be the duty of the Chief Superintendent of Education to cause to be printed from time to time a catalogue shewing the names and prices of all the books which are or may be sanctioned by the Council of Public Instruction for free public school libraries and for prizes for the collegiate institutes, high and public schools, and also to cause to be printed each half year a catalogue of any additional books which may be sanctioned by the Council for said purposes.

Chief Superintendent to issue catalogues.

Purchase of School Library and Prize Books.

- 71.** Any municipal or school corporation may purchase from any bookseller or other parties, instead of at the Depository of the Education Department, any library or prize books sanctioned by the Council for the public and high Schools and collegiate institutes; and in case of such purchases being made it shall be the duty of the Chief Superintendent on being duly certified of the facts, and being furnished with the usual guarantee for the proper disposition of the books and certified vouchers of their cost, to authorize the payment for said books of one-half the cost thereof to the order of the corporation purchasing them, such payment to be made out of any moneys appropriated by the Legislature for that purpose; provided always that in case of the books obtained being purchased elsewhere than at the Depository of the Department, he shall not pay more than one-half of the cost at which, according to the prices named in the printed catalogues, the books may be obtained at the Depository.

Purchase of library and prize books by municipal and school corporations.

Education Department to pay one-half of the cost.

No Teacher, Trustee, Inspector, &c., shall act as Book Agent,

- 72.** No Teacher, Trustee, Inspector or other person officially connected with Public or High Schools or Collegiate Institutes, shall become or act as agent for any person or persons to sell, or in any way to promote the sale for such person or persons, of any school library, prize or text-book, map, chart, school apparatus, furniture or stationery, or to receive compensation or other remuneration or equivalent for such sale, or for the promotion of sale in any way whatsoever.

No Inspector, Trustee, Teacher, &c., shall act as agent for the sale of books, maps, &c.

Tenants to be School Voters—Who are Masters and Teachers.

- 73.** Wherever the words "freeholders or householders," or "freeholders and householders" occur in any of the School Acts, they shall be altered so as to read, "freeholders, householders and (or or) tenants," as the case may be; and in this Act, the words: "legally qualified masters and teachers" and the words "legally qualified teachers" shall mean any persons (male or female) who possess first, second, or third-class certificates of qualification, or who, under the Grammar or High School or the Public or Separate School Act, are legally qualified to act as such masters and teachers; but the words shall not be held to apply to persons holding interim certificates from an Inspector, or certificates qualifying senior pupils or other parties to act as monitors or assistants.

Interpretation

Tenants to be voters.

Masters and Teachers defined.

High School Acts.

- 74.** The High School provisions of the School Acts and of

High School Acts.

this Act shall apply to collegiate institutes, their trustees, masters and teachers.

Repeal.

75. Any provision in the High and Public School Acts inconsistent with this Act is hereby repealed.

SCHEDULE.

BEING FORM OF VOTING PAPER.

COUNCIL OF PUBLIC INSTRUCTION.

ELECTION OF A MEMBER, 187

I, *Inspector of Public Schools,*
(*Master of [or a Teacher in] the High School or Collegiate*
Institute, at , *or Teacher of [or in] the Public, or*
Separate, School, in , *as the case may be*), resident
at in the County of do hereby
declare—

1. That the signature affixed hereto is my proper handwriting.

2. That I vote for the following person as a Member of the Council of Public Instruction for Ontario—viz.
in the County of

3. That I have signed no other voting paper at this election.

4. That this voting paper was executed by me on the day of the date hereof.

Witness my hand, this day of A.D. 187

No. 3.]

BILL.

[1874.

An Act to amend the Public and High School Laws.

Contents.

COUNCIL OF PUBLIC INSTRUCTION.

Sections 1 to 23, inclusive.

HIGH SCHOOL AND COLLEGIATE INSTITUTES.

Sections 24 to 30, inclusive.

PROVISIONS RELATING TO PUBLIC SCHOOLS.

Sections 31 to 66, inclusive.

MISCELLANEOUS PROVISIONS.

Sections 67 to 75, inclusive.

HER MAJESTY, by and with the consent of the Legislative Assembly of Ontario, enacts as follows ;

COUNCIL OF PUBLIC INSTRUCTION.

Three additional Members to be Elected to the Council.

1. In addition to the number of persons now composing the Council of Public Instruction for Ontario, the Council shall hereafter include one member, to be elected by the Inspectors of Public Schools, one by the legally qualified Masters and Teachers of High Schools and Collegiate Institutes, and one by the legally qualified Teachers of Public and Separate Schools ; Provided always that no person shall be eligible to be elected, or to continue a member of said Council who, at the time of such election, or during the period of his being a member of said Council, is actually employed as an Inspector, a Master, or Teacher under the Public or High School Acts.

Additional Members of Council of Public Instruction to be elected.
By Inspectors, High, Public and Separate School Teachers.

Time of Election of the Three Members to the Council.

2. The first of the said elections shall be held on the third Tuesday of August in the year of Our Lord one thousand eight hundred and seventy four ; and the succeeding elections, on the third Tuesday in August in subsequent years ; and the persons elected at any such election, shall hold office until the elections for the following year or years, have taken place.

First election
Subsequent elections.

Vacancies of Elected Members to be filled up.

3. In case of a vacancy occurring six months or more before the time for holding the next periodical election applicable to

Vacancies.

the case, the Chief Superintendent shall forthwith appoint a time for holding an election to fill the vacancy, and shall give one month's notice thereof in such manner as the Council of Public Instruction shall direct.

Term of Office of the Elected Members of the Council.

Members
elected by
inspector and
high school
masters.

4. The persons first elected by the Public School Inspectors 5
and by the Masters and Teachers of the high schools and col-
legiate institutes, shall continue in office for one year, to be
reckoned from the time of their election respectively.

Members
elected by
public and
separate school
masters.

5. The person first elected by the Teachers of the public
and separate schools shall continue in office for two years, to be 10
reckoned from the time of his election.

Subsequent
elections.

6. Every person subsequently elected as a member of the
Council, (except to fill a vacancy) shall hold office for two years,
to be reckoned from the time of his election, and until his suc-
cessor is elected; and the person elected to fill a vacancy shall 15
hold office for the term of the person in whose place the former
is elected.

Election Lists.—Duty of Inspectors and High School Boards.

Inspector to
prepare elec-
tion lists,

7. For the purpose of the said elections, it shall be the duty
of every Inspector of public schools, not later than the fifteenth
day of June of the years one thousand eight hundred and 20
seventy-four, and one thousand eight hundred and seventy-
six, and not later than the fifteenth day of June of every sub-
sequent second year thereafter, to prepare and exhibit publicly
in his office, an alphabetical list of the names and post-office
address of all legally qualified teachers in the public and separate 25
schools within his municipality or jurisdiction.

open to inspec-
tion.

8. This list may be examined by any teacher of a public or
separate school at all reasonable times for one month from such
fifteenth day of June.

Errors.

9. In case any interested party complains to the said In- 30
spector in writing of the improper omission or insertion of any
name in the said list, it shall be the duty of the inspector
forthwith to examine into the complaint, and rectify the error,
if any there be.

Transmit list
to chief super-
intendent.

10. The inspector shall, for the purposes of this Act, trans- 35
mit to the Chief Superintendent of Education, not later than
the fifteenth day of July in each of the aforesaid years, a duly
certified copy of such corrected alphabetical list of legally quali-
fied Teachers (in a form to be provided for that purpose); and
all the persons named in the list shall be deemed entitled to 40
vote.

High school
board return.

11. Every high school board or collegiate institute board (or
Board of Education, in case of union with a Public School Board),
shall furnish in like manner to the Chief Superintendent, not
later than the fifteenth day of July in the years one thousand eight 45
hundred and seventy-four and one thousand eight hundred and
seventy-five, and not later than the fifteenth day of July in every

subsequent second year thereafter, a return of the name and address of every legally qualified master of, and teacher in a high school or collegiate institute at that time employed by the board.

Remedy in case of non-receipt of Election Lists or of Doubt.

- 5 **12.** In case of the non-receipt by the Chief Superintendent, or other officer of his department, of any alphabetical list or return mentioned in the preceding sections, or in case of any doubt which may arise in regard to the right of any person whose name is attached to a voting paper to vote at an election, the
- 10 Chief Superintendent, or other officer on his behalf, and the scrutineers appointed, as herein provided, shall decide according to the best evidence within their reach as to the right to vote of any inspector, master or teacher who may by a voting paper claim to exercise that right; provided always that in case
- 15 an election to fill a vacancy is required to be made by the masters and teachers of the Public and Separate or High Schools and Collegiate Institutes, a new alphabetical list of voters shall be furnished to the Chief Superintendent, by the Inspectors and Boards of School Trustees, respectively, two weeks before the
- 20 time fixed for such election, otherwise the list then last received by the Chief Superintendent shall be used.

In case of non-receipt of list or doubt.

Scrutineers may decide.

Lists in case of vacancies.

Mode of Election of Members.

13. Every election by Inspectors, Masters or Teachers held under this Act shall be in the manner following, that is to say:—

- (1) The votes shall be given by closed voting papers (in the
- 25 form in the schedule A of this Act) delivered to the Chief Superintendent of Education, or to the Deputy Superintendent, or other officer of the Education Department appointed for this purpose by the Chief Superintendent.

voting papers to be sent to Chief Superintendent.

- (2) Any voting papers received by post, or otherwise, by the
- 30 said Chief Superintendent, or other officer appointed by him, during the said third Tuesday of August, or other appointed day, or during the preceding week, shall be deemed to be duly delivered to him;

During preceding week.

- (3) The voting papers shall, on the day succeeding the
- 35 third Tuesday (or other appointed day, in case of election to fill a vacancy) be opened by the said Chief Superintendent, or other officer aforesaid, in the presence of two or more scrutineers, to be appointed for that purpose by the Council of Public Instruction;

Papers to be opened by the Chief Superintendent in presence of scrutineers.

- (4) The Chief Superintendent, or other officer, and the
- 40 scrutineers shall scrutinize and count the votes, and keep a record thereof in a proper book to be provided for the purpose, which book shall be preserved in the office of the Chief Superintendent, and shall at all reasonable times be open to the inspection of every person desiring to see the same;

Scrutineers count and record votes.

- (5) Any person entitled to vote at the election, shall be
- entitled to be present at the opening of the voting papers;

Book open to inspection.

- (6) The person having the highest number of votes of the
- 50 members of the body voting for him, shall be deemed to have been elected;

Who shall be elected.

- (7) In case of an equality of votes between two or more persons, the scrutineers shall forthwith put into a ballot-box papers with the names written thereon of the candidates having said

Case of equality of votes.

Ballot.

equality of votes, one paper for each candidate; and the Chief Superintendent, or other officer acting for him as aforesaid, shall draw by chance from the ballot-box, in the presence of the scrutineers, one of such papers; and the person whose name is upon the paper so drawn, shall be deemed to have been elected.

Certificate of Election as Members of Council.

Certificate of election to chairman of council.

And to elected member.

14. At the close of the election, the Chief Superintendent or other officer on his behalf, and the other scrutineers, shall certify to the Chairman of the Council of Public Instruction under their hands and seals, the name of the person or persons who, having the majority of votes, shall be declared by them to be duly elected a member or members of the Council, and shall also send to each member elected a like notification of his election.

Order of Retirement of Appointed Members.

Present members to retire in one and two years.

15. Four of the present members of the Council (not including the Chief Superintendent of Education, or, in his absence, the Deputy Superintendent) to be determined by lot at the first meeting of the Council held next after the passing of this Act shall retire from office at the end of one year from the third Tuesday in August, one thousand eight hundred and seventy-four, and four of the remaining appointed members shall hold office for two years from the third Tuesday in August, one thousand eight hundred and seventy-four, unless the appointment be determined at an earlier date by revocation thereof, resignation, or otherwise.

Period of office of Appointed Members.

New members appointed to hold office two years.

16. Every person hereafter appointed to the said Council by the Lieutenant-Governor shall hold office for two years from the date of his appointment (and until his successor be appointed), unless such appointment is determined at an earlier date by revocation, resignation or otherwise.

Re-appointment of Members.

May be reappointed.

17. Nothing herein contained shall prevent the re-appointment of any member before or after the expiration of his term of office.

University Colleges may elect Members to the Council.

Members for University College, and for the other University Colleges.

18. Section fourteen of chapter sixty-three of the Consolidated Statutes of Upper Canada, shall be amended so as to read as follows:—

14a. On or before the third Tuesday in August of the year one thousand eight hundred and seventy-four, and in every subsequent second year thereafter, one person may be elected to the Council of Public Instruction by the Council of University College, and one member by every other College in Ontario possessing University powers.

14b. Every election under this Section shall be certified to the Chief Superintendent of Education, and shall go into effect on the third Tuesday in August in the year of election.

14c. The persons so elected shall be members of the Council for all purposes of High School and Collegiate Institutes, the selection and approval of library and prize books and for every other purpose not relating exclusively to Public Schools.

Interim and other Committees may be appointed.

5 19. It shall be competent for the Council of Public Instruction at any sitting thereof to resolve itself into a committee of the whole for the transaction of business; and also to appoint from time to time an Interim Committee of its own members, which, under regulations made by the Council, shall be authorized to exercise any of the functions of the Council itself during the intervals of its sessions. Committees of Council.

Council may inquire into School Matters, and Report.

20. The Council shall have authority to inquire into and report upon any matter connected with the administration of the school system, or with the interests of schools, which may be referred to the Council by the Lieutenant-Governor, or by the Chief Superintendent of Education. Council may inquire into school matters, and report.

Record of Yeas and Nays at Meetings of Council.

21. In case of a division of opinion on any question at a meeting of the Council of Public Instruction, or of the Interim Committee, any member may call for the yeas and nays, and a record of the names of the members voting yea and nay respectively shall be entered by the Recording Clerk in the minutes of proceedings. Record of yeas and nays.

Members' Travelling Expenses to be paid

22. The travelling expenses of any of the members of the Council residing outside of Toronto attending the regular meetings of the Council may be paid by the Lieutenant-Governor, out of any public funds which may be appropriated by the Legislature for that purpose. Provision for travelling expenses.

Report of Proceedings to be published in Journal of Education.

23. A report of the proceedings at every meeting of the Council shall be published in the next succeeding number of the *Journal of Education*; but this shall not apply to meetings of Committees of the Council, except that a report of the proceedings of the Interim Committee shall be published from time to time in like manner as of the Council. Publish report of proceedings. Exception.

HIGH SCHOOLS AND COLLEGIATE INSTITUTES.

[Section 24 struck out in the Select Committee.]

Qualifications of High School Masters

24a. In addition to the qualifications already required by law for Head Masterships of High Schools and Collegiate Institutes, it shall be competent for the Council of Public Instruction, from time to time, to require persons who may be hereafter employed Additional qualifications of High School Masters.

Subjects. as Head Masters of High Schools and Collegiate Institutes to furnish satisfactory evidence of their knowledge of the science and art of teaching, and of the management and discipline of schools. This clause shall not apply to any persons who have been employed as High School or Collegiate Institute Masters before the passing of this Act. 5

Proviso. 24b. Section eleven of the Act passed in the twenty-ninth year of Her Majesty's reign and chaptered twenty-three, shall be amended by adding after the word "Graduate," in the third line, the words "in arts."

Preparatory classes may be established.

Preparatory classes. 25. It shall be competent for the Board of Trustees of any 10 High School or Collegiate Institute to establish a preparatory school, class or classes for the preparation of pupils for admission to such High School or Collegiate Institute, but no master or teacher employed in the High School or Collegiate Institute shall teach in such preparatory school, class or classes, 15

Proviso. Provided always, that no part of the Legislative grant or of the County assessment for High School or Collegiate Institute purposes shall be applied towards the expenses of the establishment teaching or maintenance of such preparatory school, class or classes; and provided further that no local assessment for 20

Proviso. school purposes shall be applied towards such expenses without the consent of the Council of the Municipality, in which the High School or Collegiate Institute is situated. 20

County Pupils to be admitted on equal terms with Local Pupils.

Admission of pupils from county. 26. Pupils residing in any part of the county or union of counties, shall have the right to attend any of the high schools 25 or collegiate institutes in the county or union of counties, upon the same terms as pupils resident in the town, village or school division within which the high school or collegiate institute is situated; but this section shall not apply to high schools or

Exception. collegiate institutes in cities or in towns separated from the 30 county or union of counties, unless the County Council shall provide the required equivalent to the Legislative Grant.

Admission of Pupils to High Schools and Collegiate Institutes.

27. The thirty-eighth section of chapter thirty-three of the Statutes of this Province, passed in the thirty-fourth year of Her Majesty's reign, shall be amended so as to read as follows:— 35

Council of public instruction to prescribe programme, papers, etc. 38. It shall be the duty of the Council of Public Instruction from time to time to prescribe by regulations (to be approved of by the Governor in Council) the subjects, times, and extent of the examinations which it shall be necessary for pupils to undergo in order to obtain admission into the high schools and 40 collegiate institutes, and also to determine the standard to be attained by each pupil at such examinations:

Papers for uniform examination. (2) The Council shall, from time to time, require the central committee, appointed by the council for the examination of public school teachers, to prepare, under the direction of the 45 Council, questions for the uniform examination of pupils for admission to high schools and collegiate institutes;

(3) The examination papers so prepared, with the value assigned to each question, and with directions from the Chief Superintendent of Education, or instruction as to any further examinations which the Council may desire to be made *viva voce*, are to be transmitted by the Chief Superintendent to the Inspector of Public Schools of the city (in case of a city), or of the county (in the case of a county), or of a town in the territorial limits of the county. Papers and instructions to be sent.

(4) The local Board of Examiners shall consist of the Chairmen of the Public and High Schools or Collegiate Institute Boards, and the Public School Inspector; and such board shall have authority to admit provisionally any pupil who shall have duly passed the required examination under the regulations and directions aforesaid; Provisional admission.

(5) The Inspector shall prepare a return (in a form to be provided for that purpose) with respect to every examination; and he shall forward the return, together with the answers of the pupils, to the Chief Superintendent of Education within ten days after the examination, in order that the same may be considered and reported upon to the Chief Superintendent by the central committee; and the committee shall report thereon, and confirm, disallow, or cancel the admission of any pupil, or may require of any pupil further tests of proficiency in any subject of the prescribed programme of examination; Inspector's return to Chief Superintendent.

(6) The Inspector, for the services aforesaid, shall be paid by the council of the county the same remuneration as is provided by this Act in respect of the examiners of public school teachers; Central Committee

(7) In the case of a city or town the Inspector shall be paid by the Public School Board of such city or town a sum at the rate of *five dollars* per day while engaged in the examination; County Inspector to be paid, also Town

(8) The County Council, or city or town Board, aforesaid, (as the case may be) shall respectively provide for the payment of the contingent expenses of the examination, as certified by the Board of Examiners. Inspector. Duties and pay.

(9) Where, in any county or union of counties there is a collegiate institute, as well as a high school, or where there are in any county or union of counties more high schools than one, or where from illness or other unavoidable cause the Public School Inspector is not able to attend in person, he may appoint another duly qualified person to act as presiding examiner in his place at the examination of candidates for admission to any high school or collegiate institute; Contingent Expenses.

(10) The person so appointed shall be bound by the same regulations as if he were the presiding Inspector, and shall be entitled to the like remuneration for his attendance; and at the close of the examination he shall (if a member of the local Board of Examiners) lay before the Board, or (if he be not such member) he shall forthwith deliver, or transmit to the Inspector, to be laid before the Board, the Examination Papers and answers of the candidates. Inspector may appoint person to preside.

(11) The person so appointed shall be bound by the same regulations as if he were the presiding Inspector, and shall be entitled to the like remuneration for his attendance; and at the close of the examination he shall (if a member of the local Board of Examiners) lay before the Board, or (if he be not such member) he shall forthwith deliver, or transmit to the Inspector, to be laid before the Board, the Examination Papers and answers of the candidates. Duties and allowance.

(12) The person so appointed shall be bound by the same regulations as if he were the presiding Inspector, and shall be entitled to the like remuneration for his attendance; and at the close of the examination he shall (if a member of the local Board of Examiners) lay before the Board, or (if he be not such member) he shall forthwith deliver, or transmit to the Inspector, to be laid before the Board, the Examination Papers and answers of the candidates.

[Section 28 struck out in the Select Committee.]

Establishment and discontinuance of High Schools.

29. Every county council, at or before its June session in any year, but not later, shall have authority (with the concurrence of the Lieutenant-Governor in Council, on the report Council may, with consent of Governor, establish and

discontinue
high schools.

and recommendation of the Chief Superintendent of Education) to decide upon the establishment of any new, and upon the discontinuance at end of the then civil year, of any existing, high school in any part of the county within the jurisdiction of the said county council.

5

High School Districts for Towns Separated.

High school
districts for
towns separat-
ed.

29a. In case of towns separated from the jurisdiction of a county council, it shall be lawful for such council, and the council of the town, by such joint action as may be agreed upon, to unite the whole, or any part of an adjoining township, or adjoining townships, with such town, so as to form a High School District, upon such terms and conditions, and for such period as may be mutually concurred in; Provided always that such district, when formed, shall be within the jurisdiction of the Town Council and High School Board for all High School purposes.

Terms and
conditions.

Appointment of High School Trustees in Towns Separated.

Appoint-ment
of high school
trustees in
towns sepa-
rated,

29b. In case a county council shall, in any year, raise by 15 assessment the equivalent of at least one-half of the amount of the Legislative Grant which may be made to a High School or Collegiate Institute, situated in a town separated from the municipal jurisdiction of such council, it shall be lawful for such council to appoint, for the ensuing year, one-half of the trustees 20 of the High School or Collegiate Institute; but should the county council not raise such equivalent, then the whole of the trustees of such High School shall be appointed by the municipal council of the town concerned.

Alternative
condition.

High School Secretary and Treasurer.

Secretary and
treasurer not
to be members
of Board.

29c. It shall not hereafter be necessary that the secretary 25 and treasurer of a High School Board shall be appointed from among the members of the Board; The treasurer shall give security to the Board for the due and faithful performance of his duty.

Union of High and Public School Trustee Boards.

30. The fifth section of the Act passed in the twenty-ninth 30 year of Her Majesty's reign, and chaptered twenty-three, shall be amended so as to read as follows:—

Case of union
of High and
Public School
Trustees pro-
vided for,
And case of
dissolution of
such union.

5. In all cases of the union of High School (or Collegiate Institute) and Public School Trustee Corporations now existing, all the members of both Corporations shall constitute a joint 35 Board, and shall as long as the union exists be a Corporation, under the name of *The Board of Education for the City (Town, or Incorporated Village of* , or School Section, No. , in the Township of , as the case may be); and seven of the members of the Board shall form a quorum; 40

Union may be
dissolved.

5a. The union may be dissolved at the end of any year by resolution of a majority present at any lawful meeting of the said Board of Education called for that purpose;

Disposition of
School prop-
erty.

5b. On the dissolution of such union, the school property held or possessed by the Board of Education at the time shall be 45 divided or applied to school purposes, as may be agreed upon by a majority of the Public School Trustees and of the High School

- (or Collegiate Institute) Trustees respectively, present at meetings called for that purpose; or if they fail so to agree within the space of six months after such dissolution, then the division shall be made by the Municipal Council of the city, town, or incorporated village within the limits of which such Public and High Schools (or Collegiate Institute) are situated; and, should the High School be situated in a School Section or unincorporated village, the division (in case of failure and agree as aforesaid) shall be made by the County Council. By whom made.
- 10 6b. No Public School or department thereof shall hereafter be united with a High School or Collegiate Institute.

PROVISIONS RELATING TO PUBLIC SCHOOLS.

Alteration in Rural School Section Boundaries.

31. Every alteration made in the boundaries of a rural school section by a Township Council, under the restrictions imposed in the Public School Acts, shall be by By-law, which By-law shall be passed not later than the first day of May in any year; and it shall be the duty of the Township Clerk to send forthwith, after the By-law has been passed, a written notice of the alteration to the trustees of every school section affected by the alteration, and to the Public School Inspector. School section boundaries must be altered by 1st May.

Notice.

Appeal to County Council Its Committee may settle School Section Boundary Disputes.

- 20 32. The sixteenth section of the Act passed in the thirty-fourth year of Her Majesty's Reign, and chaptered thirty-three, shall be altered so as to read as follows:—
16. The majority of the trustees, or any five rate-payers, of one or more school sections, shall have the right of appeal or complaint to their county council against any by-law or resolution passed at any time previously by their township council for the formation or alteration of their school section or school sections, or against the neglect or refusal of the township council, on application being made to it by the trustees or inspector, to form or alter the boundaries of a school section or school sections; and the county council shall appoint a committee of not more than five, or less than three, competent persons (two of whom shall be the County Judge and a County Inspector), and a majority of whom shall form a quorum, to investigate the matter of the appeal or complaint, and to revise and alter the boundaries of the school section or school sections, so far as to settle the matters complained of; Provided always, that no person shall be competent to act on the committee who was or is a member of the township council which passed the by-law or resolution complained of; And provided also, that the alterations made in the boundaries of any school section or school sections by such committee, shall not take effect before the twenty-fifth day of December of the year in which the alterations are made, (and of which alterations due notice shall be given by the inspector to the clerk of the township and to the trustees of the school sections concerned); Provided furthermore, that the school boundaries of a school section or other division existing at the time of the passage of a by-law incorporating it as a village or town municipality, shall continue in force notwithstanding—
- Appeal against formation or alteration of school sections.

Authority of county councils to appoint committees to settle complaints.

Proviso— Who may not act on the committees.
Proviso— Alteration in the sections not to take place before the end of the year.
Proviso— School boundaries in villages.

ing its incorporation, until such boundaries are altered under the authority of the school laws.

Union School Section and Division Boundaries.

Union section
and division
boundaries to
be made by
Reeves and
Inspectors, &c.

33. Every alteration in the boundaries of a union school section or division shall, (under the restrictions imposed by the fortieth section of chapter sixty-four of the Consolidated Statutes of Upper Canada), be made, in the case of the townships, by the reeves or deputy reeves of the townships and the inspector of the county or counties; and in the case of towns and villages, by the reeves or deputy reeves, the county inspector or inspectors, and a person appointed by the Public School Board as its representative for this purpose; and the alteration is to be made by a majority of the said persons who may be present at a lawful meeting called for that purpose.

Majority
present.

Status of Union School Sections and Divisions.

Election of
Trustees
inspection and
taxation in
union school
sections and
divisions

33a. The seventeenth and following lines of the fifth section of the Act chaptered forty-nine, passed in the twenty-third year of Her Majesty's reign, shall be amended so as to read as follows:—

5. "Every union school section or division, composed of portions of adjoining townships or portions of a township or townships, and a town or incorporated village, shall, for the purposes of the election of trustees, be deemed one school section or division, and shall be considered in respect to inspection and taxation for school purposes, as belonging to the township, town or village in which the school house is situated: Provided always that it shall be the duty of the mayor, reeve or deputy-reeve of the municipality concerned, and of the county inspector annually to equalize the assessment of such union school section or division; and provided further that any portion of a county assessment for school purposes, which may be raised within any school division, shall be paid over by the county treasurer to the order of the board of trustees for such school division.

[Section 34 struck out by the Select Committee.]

Township Boards—value of school section property.

Township
valuators to
estimate value
of each school
section
property.

35. Before giving effect to the fourteenth section of chapter thirty-three of the Statutes of this Province, passed in the thirty-fourth year of Her Majesty's reign, for the formation of township boards of public school trustees, the township council shall appoint the county inspector, jointly with two other competent persons, to value the existing school houses, school sites, and other school property in each and every section of the township, and upon their report to adjust the claims of every school section, in regard to the estimated value in said report of its school house, site and other property, in such manner as the township council may deem just and equitable.

Remuneration to school section Valuators.

Remuneration
to valuers.

36. The inspector and other persons, while engaged in the valuation of school sites and other school property and reporting

thereon, shall be entitled to receive from the township council an allowance per day and for travelling expenses of not less an amount than that paid to a member of the county council for attendance at its meetings.

Township may vote money to be apportioned according to the rate of Teachers' salaries.

- 5 **37.** The municipal council of any township may at its discretion, either out of moneys raised by rate, or out of any other moneys at its disposal and not otherwise specifically appropriated, apportion a sum to all of the public schools in the township equal to such proportion as the council may see fit of the actual salaries paid in the respective school sections during the year then last past to the public school teachers of such sections.

Township councils may apportion rates or other moneys according to rate of teachers' salaries.

[Latter part of section 37 struck out by the Select Committee.]

Rural school trustee loans authorized.

- 15 **38.** The thirty-fifth section of chapter sixty-four of the Consolidated Statutes of Upper Canada, shall be amended so as to read as follows :

35. Any township council may by by-law grant to the trustees of any school section (on the application of the said trustees) authority to borrow such sums of money as the trustees may deem necessary for the purchase of school sites, for the erection or repair of school-houses and their appendages, or for the purchase or erection of a teacher's residence ; and in the by-law the township council shall provide for the issue of and shall issue a debenture or debentures, in the form given in schedule B of this Act, for the amount of the loan, and shall cause to be levied in each year, upon the taxable property of the section, (and upon such other taxable property as is herein made liable in case of an alteration in the boundaries of the section or division) a sum sufficient to pay the interest on the amount borrowed, and also a sum sufficient to pay off the principal during any period not exceeding ten years, as may be agreed upon by the trustees and the lender of the money : Provided always, that notwithstanding any alteration which may be made in the boundaries of such section or division, the taxable property situated in the school section or division at the time when such loan was affected, shall continue to be liable for the rate which may be levied by the township Council for the repayment of the loan ; and such rate if not paid, may be collected by the township Council, by distress and sale of goods and chattels, or by suit in the Division Court.

Trustee Loans

Debentures.

Principal and interest.

Proviso—
Liability of
old section.

Titles to school sites and other property.

- 40 **39.** All Corporations and persons whatever, tenants in tail or for life, guardians, executors, administrators, and all other trustees whatsoever, not only for and on behalf of themselves, their heirs and successors, but also for and on behalf of those they represent, whether infants, issue unborn, lunatics, idiots, femmes-covert, or other persons, seized, possessed of or interested in any land, may contract for, sell and convey all or part thereof to

Who may convey school sites.

school trustees for a school site, or an addition to the school site, or for a teacher's residence; and any contract, agreement, sale, conveyance and assurance so made shall be valid and effectual to all intents and purposes whatsoever; and the Corporations or persons so conveying are hereby indemnified for what they respectively do by virtue of or in pursuance of this Act: 5

Remedy in
case of ab-
sence of owner.

(2.) If the owner of land duly selected for the said purpose is absent from the county in which the land lies, or is unknown, the trustees may procure from a sworn surveyor a certificate that he is not interested in the matter; that he knows the land, 10 and that some certain sum therein named is, in his opinion, a fair compensation for the same; and on filing the said certificate with the judge of the county court of the county in which the land lies, accompanied by an affidavit or affidavits which shall satisfy the judge that the owner is absent from the county, and 15 that after diligent enquiry, he cannot be found, the judge may order a notice to be inserted for such time as he shall see fit in some newspaper published in the county; and he may, in addition thereto, order a notice to be sent to any person by mail, or may direct service of the same to be effected in any other 20 way as he shall see fit;

What notice
shall contain.

Arbitrators.

(3.) The said notice shall contain a short description of the land; a declaration of the readiness of the trustees to pay the sum certified as aforesaid; shall give the name of a person to be appointed as the arbitrator of the trustees if their offer 25 of that sum be not accepted; shall name the time within which the offer is to be accepted, or an arbitrator named by the owner; and shall contain any other particulars which the county judge may direct;

Judge may
appoint one.

(4.) If within such time as the judge directs the owner does 30 not notify the trustees of the acceptance of the sum offered by them, or notify to them the name of a person whom he appoints as arbitrator, the judge shall, on the application of the trustees, appoint a sworn surveyor to be sole arbitrator for determining the compensation to be paid for the property; 35

Responsibility
of trustees as
to compensa-
tion.

(5.) Where land is taken by the trustees without the consent of the owner, the compensation to be paid therefor shall stand in the stead of the land; and after the trustees have taken possession of land, any claim to or incumbrance upon the same or any portion thereof, shall, as against the trustees, be con- 40 verted into claim to the compensation, or to a proportion thereof, and the trustees shall be responsible accordingly whenever they have paid such compensation or any part thereof to a party not entitled to receive the same, saving always their recourse against such party; 45

In case of
incumbrance.

(6.) If the trustees have reason to fear any claims or incumbrance, or if any party to whom the compensation or any part thereof is payable, refuses to execute the proper conveyance, or if the party entitled to claim the same cannot be found or is unknown to the trustees, or if for any other reason the trustees 50 deem it advisable they may, pay the arbitration and other expenses, and deposit the amount of the compensation with the county treasurer, or in such other manner as the Inspector may direct, with interest thereon for six months, and may deliver therewith an authentic copy of the conveyance; or 55 of the agreement or award if there be no conveyance; and such agreement or award shall thereafter be deemed to be the title of the trustees to the land therein mentioned, and shall be a good title thereto against all persons interested in the property

Deposit of
compensation
money.

Award to be
registered.

in any manner whatever, and shall be registered in the registry office on an affidavit of one of the trustees verifying the same.

School Lands granted before 1850 vested in Trustees.

- 39a.** All lands which previous to the twenty-fourth day of July, one thousand eight hundred and fifty, were granted, devised or otherwise conveyed to any person or persons in trust for common school purposes, and which are now held by such person or persons or their heirs or other successors in the trust, are hereby vested in the public school trustees of the school section or division in which such lands are respectively situate, to be held by said public school trustees and their successors upon the like trusts, and subject to the same conditions and estates as the said lands are now respectively held.
- School lands granted before 1850, vested in public school trustees

Enlargement of Rural School Sites.

- 40.** The seventeenth section of chapter thirty-three of the Statutes of this Province, passed in the thirty-fourth year of Her Majesty's reign, shall not be held to restrict trustees in the enlargement of a school site existing at the passing of this Act to the required dimensions: Provided that no such enlargement shall be made in the direction of the orchard, garden, or dwelling-house, without the consent of the owner of the land required, unless the school site cannot be otherwise enlarged; nor shall it, without the consent of such owner, include any part of his garden, orchard, or the grounds attached to his dwelling-house.
- Enlargement of school site.
- Proviso.

Two or more Schools in a Rural Section.

- 41.** Where, from the large size of a school section, or from its physical conformation, or other cause, the children of the section are unable to attend the school established therein, the trustees may, with the concurrence of the inspector, as provided by law, select the site and establish and maintain an additional school or additional schools in the section, and may procure or erect the necessary buildings therefor; and every such school shall be subject to the same regulations and obligations as public schools generally.
- Two or more schools in a section authorized.
- Condition.

Admission of Non-Resident Pupils;

- 41a.** The trustees of every school section, municipality, or division shall have authority to admit non-resident pupils to their school, on payment in advance, of fees or rate-bill not exceeding fifty cents a month per pupil; and it shall be their duty to admit on the terms aforesaid, any non-residents pupils who reside nearer to such school than to the school in their own section; and in case of dispute as to the distance from the school, the inspector shall decide.
- Non-resident pupils to be admitted on payment of fee.

Annual Return of Children not attending any School.

- 42.** It shall be the duty of the trustees of every public school:
- (1.) To ascertain before the thirty-first day of December in every year, through the assessor, collector, or some other person to be appointed for that purpose, and paid by them, the names, ages and residences of all the children of school age in their
- Trustees to ascertain names of absentee children.

school section, division or municipality, as the case may be—distinguishing those children between the ages of seven and twelve years inclusive—who have not attended any school, (or who have not been otherwise educated) for four months of the year, as required by the third section of the Act of the Legislature, passed in the thirty-fourth year of Her Majesty's reign, and chaptered thirty-third; 5

34 V., c. 33. s. 3. **Notify Parents.** (2.) To notify personally, or by letter or otherwise, the parents or guardians of such children of the neglect or violation on their part of the provisions of said third section. 10

Complaint to be made to Magistrate.

43. In case, after having been so notified, the parents or guardians of such children continue to neglect or violate the provisions of the said third section of the said Act, it shall be the duty of the trustees to impose a rate-bill on such parents or guardians not exceeding one dollar per month for each of their children not attending school, or to make complaint of such neglect violation to a magistrate having jurisdiction in such cases, as provided by the fourth section of said recited Act, and to deliver to said Magistrate a statement of the names and residence of the parents or guardians of such children. 15 20

Collection of fees or School Rate-Bills.

43a. Any school fee or rate-bill, which this Act authorizes, shall be collected by trustees, in the manner prescribed by the twenty-seventh section of the Act, chaptered sixty-four in the Consolidated Statutes of Upper Canada.

How school rate-bills shall be collected.

Right of Public and High School Teachers to Superannuation Allowance.

44. Every teacher who, while engaged in his profession, contributes to the Superannuated Teachers' Fund as provided by law, shall, on reaching the age of sixty years, be entitled to retire from the profession at his discretion, and receive an allowance or pension at the rate of six dollars per annum for every year of such service in Upper Canada or Ontario, upon furnishing to the Council of Public Instruction satisfactory evidence of good moral character, of his age, and of the length of his service as a Public or High school teacher in Upper Canada or Ontario; and such pension may be supplemented out of local funds by any Municipal Council or Public or High School Board or Board of Education, at its pleasure. 25 30 35

Right of teachers to retire.

Pension on reaching 60 years of age.

Condition of pension.

45. Every teacher under sixty years of age who has contributed as aforesaid and who is disabled from practising his profession, shall be entitled to a like pension, or local supplementary allowance, upon furnishing the like evidence, and upon furnishing to the Council from time to time, in addition thereto, satisfactory evidence of his being disabled. 40

Teachers under 60.

45a. Every Teacher entitled to receive an allowance from the Superannuated Teachers' Fund, who holds a first or second class Provincial Certificate, or who is an authorized Master of a High School or Collegiate Institute shall, in addition to 45

\$1 per annum extra to certain teachers.

said allowance or pension, be entitled to receive a further allowance at the rate of one dollar per annum for every year of service while he held such certificate, or while he acted as Head Master of a High School or Collegiate Institute.

5 **46.** The retiring allowance shall cease at the close of the year of the death of the recipient, and may be discontinued at any time should the pensioned teacher fail to maintain a good moral character, to be vouched for (when required) to the satisfaction of the Council of Public Instruction. Proviso in regard to good moral character.

10 **47.** If any pensioned teacher shall, with the consent of the Council, resume the profession of teaching, the payment of his allowance shall be suspended for the time of his being so engaged; and, in case of his again being placed by the Council on the superannuation list, a pension for the additional time of Resume profession.
15 teaching shall be allowed him, on his compliance with the law and regulations.

School Treasurer to pay over Superannuated Teachers' moneys.

48. The municipal treasurer, or other treasurer of school money shall, at the end of each half year, pay over to the order of the Inspector the amount of money which is in such School Treasurer to pay inspector superannuation money.
20 treasurer's hands, being money which said Inspector has deducted, as required by law, from salaries of male teachers for the superannuated teachers' fund for such half year.

Teachers' allowance for Holidays, and in case of Sickness.

49. Every master and teacher of a Public or High School or Collegiate Institute, shall be entitled to be paid his salary Teachers entitled to holidays and vacations.
25 for the authorized holidays occurring during the period of his engagement with the trustees, and also for the vacations which follow immediately on the expiration of the school term during which he has served, or of the term of his agreement with such trustees; and in case of sickness, certified by a medical man, Case of sickness.
30 he shall be entitled to his salary during such sickness for a period at the rate of not exceeding four weeks for the entire year; which period may be increased at the pleasure of the trustees. Four weeks allowed.

Teachers' General and Class School Registers.

50. Every master of a Public or High School or Collegiate Teacher's general and class register.
35 Institute, shall keep, in the prescribed form, general and daily class registers, and he shall record therein the admission, promotion, removal, or otherwise, of the pupils in his school; and the said registers shall be provided at the expense of the school by the trustees thereof.

Teachers must prosecute Claims for Salaries promptly.

40 **51.** The eighty-third section of chapter sixty-four of the Consolidated Statutes of Upper Canada shall only apply where the teacher prosecutes his claim for salary within three months after it is due and payable by the school trustees. Limit to Teachers' claim.

Other Duties not to interfere with Inspector's Duties.

Inspector not to hold other offices.

52. No Inspector of Schools hereafter appointed shall, during his tenure of office, engage in or hold any other employment, office or calling which would interfere with the full discharge of his duties as Inspector as required by law.

Money raised in a Town for Inspector's Salary.

County assessment for inspector's salary to be returned to the town.

52a. Where any town not separated from the county has a Public School Inspector for the town, the Public School Board shall be entitled to a return from the county treasurer of a sum of money equal to the amount collected within the town for the payment of the salary of the county inspector. 5

Inspector's School Lectures—Dismissal from office.

52b. Two sections of the present School Law relating to 10 Inspectors shall be amended as follows:—

(1a) The first and two following lines of clause five of section ninety-one of chapter sixty-four of the Consolidated Statutes of Upper Canada shall be amended so as to read as follows:—

When lectures may be delivered.

(5) To deliver from time to time, under regulations to be 15 prescribed, a public lecture or lectures in his county or division, on some subject connected with the objects, principles and means of practical education.

(2a) The tenth and eleventh lines of the eighth section of the Act chaptered thirty-three, passed in the thirty-fourth year of 20 Her Majesty's reign, shall be amended so as to read as follows:—

Conditions of dismissal of inspector.

(8)—Any county, city, or town inspector shall be subject to dismissal by a majority of the members of the council or board appointing him, in case of misconduct or inefficiency, or by a vote of two-thirds of such council or board without such cause. 25

Inspector's power to swear witnesses, &c.

Inspectors to swear witnesses in certain cases.

52c. In cases where an inspector requires the testimony of witnesses to the truth of any facts alleged in any complaint or appeal made to him, it shall be lawful for such inspector to administer an oath to such witnesses, or to require their solemn affirmation, before receiving their testimony. 30

Additional Allowance to County Inspectors.

Additional allowance to County Inspectors.

53. Every county School Inspector shall be entitled to an allowance from the county council, including travelling expenses, of such an amount as the council may determine, when not fixed by law, for performing the following additional duties:—

Equalizing Assessments.

(1.) Equalizing annually, with the mayors, reeves, or deputy 35 reeves, as required by law, the assessments in union school sections or divisions.

Visiting new Townships.

(2.) Visiting and inspecting schools, and giving special certificates to teachers in new and remote townships, under the authority of this Act. 40

Special Allowance to Inspectors in New Districts, etc.

Additional remuneration to inspectors in new districts.

53a. Any inspector, or other duly qualified person, appointed to inspect schools in new and remote townships, and to advise

and encourage the settlers to establish schools for their children, under the regulations and with the aid provided by law, or to report on any school matter, shall be entitled to such additional or other remuneration out of any moneys appropriated by the Legislature for that purpose, as may be deemed just and equitable, considering the nature and extent of the duties to be performed.

Additional Allowance to County Board of Examiners.

54. The members of the county board of examiners shall be entitled to the same allowance from the county council for their time, travelling and other expenses, as members of the county council receive, and to such additional allowance as may be determined by such council.

Additional allowance to examiners.

Certificates to Teachers in new Districts.

55. Any public school inspector may, under such general regulations or instructions as may be prescribed according to law, examine, and give special certificates from time to time, to teachers in new and remote townships in the county, riding or division in which he is inspector; which certificates shall be valid in such townships for the periods mentioned in the regulations; and under such general regulations, it shall be competent for an Inspector to endorse as valid, within the county, riding or division in which he is inspector, any third class certificate issued by any county or city board of examiners.

Certificates to teachers in new districts.

Proviso.

3rd class certificates.

Formation of School Sections in Unorganized Townships.

56. In unorganized townships in any county or district it shall be lawful for the Stipendiary Magistrate thereof and the Public School inspector (if any) of the County or District, or for the Stipendiary Magistrate alone if there be no Inspector, and for the Inspector alone if there be no Stipendiary Magistrate, to form a portion of a township, or of two or more adjoining townships, into a School Section: Provided that no such section shall, in length or breadth, exceed five miles in a straight line; and, subject to this restriction, the boundaries may be altered by the same authority from time to time, and the alteration shall go into operation on the twenty-fifth day of December next after such alteration: Provided further that no such school section shall be formed except on the petition of five heads of families resident therein.

Formation of School Sections in unorganized Townships.

Proviso

Proviso.

Election of Trustees in unorganized Townships.

57. After the formation of such a school section, it shall be lawful for any two of the petitioners, by notice posted for at least six days in not less than three of the most public places in the section, to appoint a time and place for a meeting for the election, as provided by law, of three school trustees for the section.

Election School Trustees.

Powers and Obligations of Trustees in Unorganized Townships.

58. The Trustees elected at such meetings, or at any subsequent school meetings of the section, as provided by law, shall

Trustees' powers and obligations.

have all the powers and be subject to all the obligations of Public School Trustees generally.

Annual School Assessment Roll in Unorganized Townships.

Annual Assessment Roll

59. The Trustees so elected shall annually appoint a duly qualified person to make out an assessment roll for the section, and shall transmit a certified copy thereof to the Stipendiary Magistrate (or Inspector,) ; and it shall be the duty of the Stipendiary Magistrate, or of the Inspector, if there be no Stipendiary Magistrate, to examine the said roll, and correct any errors or improper entries which he shall perceive therein. 5

Revision of the School Assessment Roll.

Revision of Assessment Roll.

60. A copy of the said roll, as so corrected, shall be open to inspection by all persons interested, at some convenient place in the section, notice whereof, signed by the Stipendiary Magistrate, or Inspector if there be no Stipendiary Magistrate, is to be annually posted in at least three of the most public places in the section, and shall state the place and the time at which the Magistrate or Inspector will hear appeals against said assessment roll; and such notice shall be posted as aforesaid by the Trustees for at least three weeks prior to the time appointed for hearing the appeals. 10 15

Appeal.

School Assessment Roll Appeals.

Manner of appeal.

61. All appeals are to be made in the same manner and after the same notice, as nearly as may be, as appeals are made to a Court of Revision in the case of ordinary municipal assessments, and the Magistrate (or Inspector) shall have the same powers as such Court of Revision. 20

Confirmed School Assessment Roll Binding.

Confirmed Roll binding.

62. The annual roll, as finally passed and signed by the Magistrate (or Inspector,) shall be binding upon the trustees and rate-payers of the section until the annual roll for the succeeding year is passed and signed, as aforesaid. 25

Special Certificates to Monitors or Assistants in High and Public Schools.

Monitors and Assistants in High and Public Schools

63. Any Inspector of High Schools may, under general regulations and instructions framed by the Council of Public Instruction for that purpose, give a special certificate, to be valid for one year, to a senior pupil (or pupils) of a High School or Collegiate Institute, or other person, to act as monitor or assistant, or monitors or assistants, in such High School or Collegiate Institute; And in like manner any Public School Inspector may give a special certificate to any senior pupil or pupils of a Public School, or other person, to act, for the same period, as monitor or assistant, or monitors or assistants in such Public School: Provided always, that the Inspector shall not grant such certificate without being fully satisfied that the pupil or person is qualified to teach the subjects for which he has been or may be employed. 30 35 40

proviso.

Issue of Provincial and County Certificates.

64. The first proviso of the twelfth section of the School Act, 34 Vic., c. 33, passed in the thirty-fourth year of Her Majesty's reign, and chaptered thirty-three, shall be altered so as to read as follows:

(1) Provided that second as well as first class Provincial Certificates may, upon the report of the Central Committee of Examiners, be awarded by the Council of Public Instruction, to candidates for first class Certificates who may fail to come up to the required standard, and that second as well as third class Certificates may, under the regulations of the Council, be awarded to teachers by County and City Boards of Examiners.

1st and 2nd class provincial certificates.

Public School Teachers' Examinations to be held yearly.

65. Not more than one examination per annum shall be held in the several counties and cities for the granting of Public School Teachers' Certificates; which examination shall be held sometime during the month of July; Provided always, that where there are two Inspectors in any county, the County Council may authorize and direct a separate examination to be held in each division of the county.

Only one examination of teachers to be held yearly. Examination in each division.

Place for Teachers' Examination to be provided.

66. It shall be the duty of every County Council and City Board of Trustees upon the application of the inspector to provide suitable rooms or other accommodation for holding the examination of teachers in the county or city.

County Council to provide place for teachers' examination.

MISCELLANEOUS PROVISIONS.

Judgment or Decision in Division Court.

66a. In pursuance of a judgment or decision given by a county judge in a Division Court, under the authority of section twenty-seven of an Act chaptered thirty-three, passed in the thirty-fourth year of Her Majesty's reign, and not appealed from, execution may issue from time to time, to recover what may be due of the amount which the judge may have decided the plaintiff entitled to, in like manner as on a judgment recorded in a Division Court for a debt, together with all fees and expenses incidental to the issuing thereof and levy thereunder.

Division Court judgment may be enforced.

School Arbitrations—Levying Rates.

66b. Two sections of the present School Laws shall be amended as follows:

(1.) The eleventh and following lines of section thirty, of chapter sixty-four of the Consolidated Statutes of Upper Canada, shall be amended so as to read as follows:

30.—And such three arbitrators, or a majority of them present at any lawful meeting, shall have authority to make and publish an award upon the matter or matters submitted to them; provided always, that with the consent, or at the request of the parties to the reference, the arbitrators, or a majority of them, shall have authority within three months from the date of their award, to reconsider such award and make and publish a second award, which award (or the previous one, if not re-

considered by the arbitrators) shall be binding upon all parties concerned, for at least one year from the date thereof.

(2.) Section thirty-four of the Consolidated Statutes shall be amended by omitting all the words in line six which follow after the words: "the trustees of such school section."

Certificates to Students of any Normal School in British Dominions.

Certificates to students of any normal school in British Dominions.

Nature of qualifications.

67. Upon passing the requisite examination, special certificates may be issued (under the conditions prescribed by law) to any person who has been trained at any Normal School or other Training Institution for Teachers, or who has been duly certificated or licensed by any recognized body as a school teacher in any part of the British Dominions; and the said certificates shall specify, among other qualifications, the standing of such person at such Normal School, or other Training Institution, and the extent of his ability and aptitude to teach, as evidenced by his certificates from such Normal School, or otherwise, to the satisfaction of the Chief Superintendent of Education.

Government of New Normal Schools.

Government of new normal school.

Examination of Students.

68. Wherever an additional Normal school shall be established, it shall be under the same government and regulations as are provided by law with respect to the present Normal School; and it shall be the duty of the Council of Public Instruction to require at the close of the session of any Normal school in the Province an examination of the students; which examination shall be by a Committee appointed by the Council, and shall be held like other examinations and shall be conducted according to the regulations and programme prescribed for the examination and classification of public school teachers generally.

Council of Public Instruction to examine Library and Prize Books.

Council to examine books sent by booksellers or others.

Lists to be published in the Journal of Education.

69. It shall be the duty of the Council of Public Instruction: (1.) From time to time, to examine, or cause to be examined, any books the names of which have not heretofore appeared in the catalogues of the Education Department, and which may be forwarded (with a statement of their prices) to the Department by booksellers, or other parties, who may have the same for sale; and to determine whether the same ought or ought not to receive the sanction of the Council for libraries or prizes in the public and high Schools and Collegiate institutes; and the decision of the Council in respect thereof is, without delay, to be communicated to the said booksellers or other parties concerned.

(2.) The books so forwarded are, on application, to be returned to the persons forwarding the same.

(3.) The names and prices of the books sanctioned shall be published in the next number of the *Journal of Education*, with the dates respectively at which the books were received at the Education Department and laid before the Council for examination.

Chief Superintendent shall issue Catalogues of Approved Books.

70. It shall be the duty of the Chief Superintendent of Education to cause to be printed from time to time a catalogue shewing the names and prices of all the books which are or may be sanctioned by the Council of Public Instruction for free public school libraries and for prizes for the collegiate institutes, high and public schools, and also to cause to be printed each half year a catalogue of any additional books which may be sanctioned by the Council for said purposes.

Chief Superintendent to issue catalogues.

Purchase of School Library and Prize Books.

71. Any municipal or school corporation may purchase from any bookseller or other parties, instead of at the Depository of the Education Department, any library or prize books sanctioned by the Council for the public and high Schools and collegiate institutes; and in case of such purchases being made it shall be the duty of the Chief Superintendent on being duly certified of the facts, and being furnished with the usual guarantee for the proper disposition of the books and certified vouchers of their cost, edition and binding, to authorize the payment for said books of one-half the cost thereof to the order of the corporation purchasing them, such payment to be made out of any moneys appropriated by the Legislature for that purpose; provided always that in case of the books obtained being purchased elsewhere than at the Depository of the Department, he shall not pay more than one-half of their cost according to the prices specified for them in the printed catalogues, or in the authorized lists published in the *Journal of Education*.

Purchase or library and prize books by municipal and school corporations.

Education Department to pay one-half of the cost.

No Teacher, Trustee, Inspector, &c., shall act as Book Agent,

72. No Teacher, Trustee, Inspector or other person officially connected with the Education Department, the Normal, Model, Public or High Schools or Collegiate Institutes, shall become or act as agent for any person or persons to sell, or in any way to promote the sale for such person or persons, of any school library, prize or text-book, map, chart, school apparatus, furniture or stationery, or to receive compensation or other remuneration or equivalent for such sale, or for the promotion of sale in any way whatsoever.

No Inspector, Trustee, Teacher, &c., shall act as agent for the sale of books, maps, &c.

Tenants to be School Voters—Who are Masters and Teachers.

73. Wherever the words "freeholders or householders," or "freeholders and householders" occur in any of the School Acts, they shall be altered so as to read, "freeholders, householders and (or or) tenants," as the case may be; and in this Act, the words: "legally qualified masters and teachers" and the words "legally qualified teachers" shall mean any persons (male or female) who possess first, second, or third-class certificates of qualification, or who, under the Grammar or High School or the Public or Separate School Act, are legally qualified to act as such masters and teachers; but the words shall not be held to apply to persons holding interim certificates from an Inspector, or certificates qualifying senior pupils or other parties to act as monitors or assistants.

Interpretation
Tenants to be voters.

Masters and Teachers defined.

No rate on
supporters
of Roman Ca-
tholic Separate
Schools.

73a. Nothing in this Act authorizing the levying or collecting of rates on taxable property for Public School purposes shall apply to the supporters of Roman Catholic Separate Schools.

High School Acts.

High School
Acts.

74. The High School provisions of the School Acts and of this Act shall apply to collegiate institutes, their trustees, masters and teachers.

Repeal.

75 Any provision in the High and Public School Acts inconsistent with this Act is hereby repealed.

SCHEDULE A.

BEING FORM OF VOTING PAPER.

COUNCIL OF PUBLIC INSTRUCTION.

ELECTION OF A MEMBER, 187

I, *Inspector of Public Schools,*
(*Master of [or a Teacher in] the High School or Collegiate*
Institute, at , *or Teacher of [or in] the Public, or*
Separate, School, in *as the case may be*), resident
at in the County of do hereby
declare—

1. That the signature affixed hereto is my proper handwriting.

2. That I vote for the following person as a Member of the Council of Public Instruction for Ontario—viz.
in the County of

3. That I have signed no other voting paper at this election.

4. That this voting paper was executed by me on the day of the date hereof.

Witness my hand, this day of A.D. 187

SCHEDULE B.

BEING FORM OF TOWNSHIP DEBENTURE.

PROVINCE OF ONTARIO.

\$

No.

Debenture of the Township of , *County of*
for School Loan.

The Corporation of the Township of , hereby promise to pay to Bearer, at the Bank of , at , the sum of dollars, lawful money of Canada, year from the date hereof; and to pay interest at the rate of per cent. per annum half-yearly to the Bearer of the annexed coupons respectively, upon the presentation thereof at the said Bank.

Issued at _____, this _____ day of _____, 18____, by
 virtue and under the authority of Section _____, of an Act of the
 Legislative Assembly of the Province of Ontario, passed in the
 thirty-seventh year of Her Majesty's reign, and chaptered _____,
 and pursuant to By-law, No. _____ of said Township of _____,
 passed on the _____ day of _____ A. D. 18____, entitled
 "A By-law to raise by way of loan the sum of _____ dollars
 for the purposes therein mentioned," (or as the case may be.)

A. B., *Reeve.*

C. D., *Treasurer.*

COUPON, No.

The Corporation of the Township of _____
 will pay the Bearer at the Bank of _____, at
 _____, on the _____ day of _____, the sum
 of _____ dollars, interest due on that day on
 Debenture No. _____ C. D. *Treasurer.*

No. 3.

3rd Session, 2nd Parliament, 37 Victoria, 1874.

BILL.

An Act to amend the Public and High
School Laws.

*(Reprinted as amended by Select
Committee.)*

1st Reading, 13th January, 1874.

Hon. Attorney-General MOWAT.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

BILL.

An Act to Amend the Law respecting Escheats.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

1. Wherever the Attorney-General of the Province of Ontario has reason to suspect that any lands, tenements or hereditaments situate in this Province have escheated to the Crown by reason of the person last seised thereof, or entitled thereto, having died intestate, and without lawful heirs, or have become forfeited, whether for treason or felony, or for any other cause, he may cause possession of such lands, tenements or hereditaments to be taken in the name of the Crown ; or in case possession is withheld, he may cause an action of ejectment to be brought for the recovery thereof, without any inquiry being first necessary. Attorney-General may take possession of, or bring ejectment for, escheated lands.
2. The proceedings in such action of ejectment may be in all respects similar to those in other actions of ejectment. Without inquiry of office. Proceedings.
3. It shall be lawful for the Lieutenant-Governor in Council to make any grant of lands, tenements or hereditaments, which have so escheated or become forfeited, or shall hereafter have so escheated or become forfeited, or of any portion thereof or of any interest therein, to any person, for the purpose of transferring or restoring the same to any one or more of the family of, or to any person or persons having a legal or moral claim upon, the person to whom the same had been longed, or of carrying into effect any disposition thereof which such person may have contemplated, or of rewarding any person making discovery of the escheat or forfeiture, as to the Lieutenant-Governor in Council shall seem fit. Lieutenant-Governor may grant escheated or forfeited lands.
4. Any such grant may be made without actual entry or inquiry being first necessary, and although such lands, tenements or hereditaments shall not be in the actual possession of the Crown, and notwithstanding that some person may claim title thereto adversely to the person whose estates the same had been ; and in case possession of the said lands, tenements, or hereditaments is withheld, the person to whom such grant is made shall thereupon be entitled to institute in any Court of competent jurisdiction proceedings for the recovery of said lands, tenements or hereditaments. Without inquiry of office being first found.
5. It shall be lawful for the Lieutenant-Governor in Council to make any assignment of personal property to which the Crown is entitled by reason of the person last entitled thereto Lieutenant-Governor may assign personalty escheated or forfeited.

having died intestate, and without leaving any kin or other persons entitled to succeed thereto, or by reason of the same having become forfeited to the Crown; or to make an assignment of any portion of such personal property, for the purpose of transferring or restoring the same to any one or more of 5 the family of, or to any person or persons having a legal or moral claim upon, the person to whom the same had belonged, or for carrying into effect any disposition thereof which such person may have contemplated, or of rewarding any person making discovery of the escheat or forfeiture, as to the Lieu- 10 tenant-Governor in Council shall seem fit.

Lieutenant Governor may release forfeited property or waive the forfeiture.

6. Wherever any lands, tenements or hereditaments, or any personal property, or interest therein, shall have become forfeited as aforesaid, it shall be lawful for the Lieutenant-Governor in Council to waive or release any right which the 15 Crown may thereby have become entitled to, so as by such waiver or release to vest the property, either absolutely or otherwise, in the persons who would have been entitled thereto but for such forfeiture; and such waiver or release may be either for valuable consideration or otherwise, and may be upon 20 such terms and conditions as to the Lieutenant-Governor in Council shall seem fit.

BILL.

An Act to Amend the Law respecting Escheats.

First Reading, 13th January, 1874.

Attorney-General MOWAT.

TORONTO:

Printed by HUNTER, ROSE & Co.

An Act respecting Benevolent, Provident and other Societies.

HER Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows: Power to form societies for certain purposes.

1. Any five or more persons, of full age, may become incorporated under this Act for any benevolent or provident purpose; or for any other purpose not illegal, save and except, the purpose of trade or business, and any purpose heretofore provided for by any of the Acts mentioned in the Schedule to this Act.

2. The proceedings to obtain incorporation shall be as follows:— Mode of Incorporation.

(1.) Such persons shall make and sign before a Judge of one of the Superior Courts, or before a County Court Judge, a declaration in writing setting forth the intended corporate name of the society, the purpose of the society, the names of those who are to be the first trustees or managing officers, the mode in which their successors are to be appointed, and such other particulars and provisions as the society may think fit, provided that the said particulars and provisions are not contrary to law.

(2.) The declaration may be made and signed in duplicate, or in as many parts as may be required.

(3.) The Judge shall endorse thereon a certificate that the same appears to him to be in conformity with the Act.

(4.) One of the original parts of the declaration shall be filed in the office of either the Provincial Registrar, or the Clerk of the Peace for the county, or union of counties, in which the society is to hold its annual and general meetings.

(5.) When these directions have been complied with, the persons who signed the declaration shall thereby become, and they, their associates and successors, shall thenceforward be, a body corporate and politic, and shall have the powers, rights and immunities vested by law in such bodies. When the signers become incorporated.

3. The society so incorporated may, from time to time, establish and maintain any number of branches thereof, to promote the objects of the society. Societies may establish branches.

4. The society may from time to time appoint trustees, a treasurer, a secretary, and other officers, for conducting its affairs, and for the discipline and management, of the society; and may from time to time make by-laws, rules or regulations for the government, and for conducting the affairs, of the society, Appoint officers, &c.

or of any branches thereof; and may from time to time alter or rescind such by-laws, rules or regulations.

How existing societies may become incorporated.

5. In case of a society having been established before the passing of this Act, and being in existence at the time of the passing thereof, such society may become incorporated 5 under this Act, in manner following: (1) the trustees or office bearers for the time being are to make, sign, and file, in manner aforesaid, a declaration stating the desire of the society to become incorporated according to the provisions of this Act, and stating also the intended corporate name of the 10 society, and the purpose of the society; (2) there shall be annexed to and filed with such declaration a copy of the constitution and by-laws of the society; and (3) a certificate by the Judge that the said documents appear to him to be in conformity with this section of this Act; and thereupon the so- 15 ciety shall become and be a body corporate and politic as aforesaid.

How branches may become incorporated.

6. Any branch of a society established for any purpose not illegal, whether the society be incorporated under this Act, or be unincorporated, may become incorporated in manner fol- 20 lowing: (1) The trustees or office bearers for the time being of the branch are to make, sign, and file, in manner aforesaid a declaration of the desire of the branch to become incorporated according to the provisions of this Act, stating in the declaration the name of the branch; (2) there shall be filed with the 25 declaration a copy of the constitution and by-laws (if any) of the branch; and in case the branch shall have no constitution or by-laws, an affidavit of the fact made by one or more of the said trustees or office bearers, shall be filed with the declaration; and (3) a certificate by the Judge shall also be filed that the 30 said documents appear to him to be in conformity with this section of this Act; and thereupon the said branch shall become and be a body corporate and politic as aforesaid.

Property of existing Society upon being incorporated under this Act.

7. In case of the incorporation of a society, or branch of a society, heretofore established and now in existence, all real 35 estate and other property held at the time of such incorporation in trust for the said society or branch, shall, on such incorporation going into effect, become and be vested in the incorporated society or branch, without any deed, conveyance or assurance, and shall be held by the incorporated society or 40 branch for such uses and purposes as the same were theretofore held for by the trustees.

Powers of societies as to holding lands.

8. No society or branch incorporated under this Act shall be entitled to acquire or hold, as purchasers or otherwise, any lands or tenements, or any interests therein, exceeding in the whole 45 at any one time the annual value of five thousand dollars, nor shall the society or branch be entitled to purchase land except for the actual use and occupation of the society for the purposes of the society.

Power as to taking lands by gift, devise or bequest.

9. Any such society or branch may, from time to time, 50 take by gift, devise or bequest any lands or tenements, or any interest therein, provided such gift, devise or bequest be made at least six months before the death of the person making the same; but the society or branch shall at no time take, by gift, devise or bequest, lands or tenements or any interests therein, 55

the annual value of which, together with that of all other lands and tenements theretofore acquired by like means, and then held, by the society or branch, shall exceed in the whole one thousand dollars; nor shall the society or branch at any time
 5 take by gift, devise or bequest, lands, tenements or hereditaments, the annual value of which and of all the other real estate of the society or branch shall together exceed five thousand dollars; and no lands or tenements, acquired by gift, devise or bequest, within the limits aforesaid, but not required for
 10 the actual use or occupation of the society or branch, shall be held by the society or branch for a longer period than seven years after the acquisition thereof; and within such period the same shall be absolutely disposed of by the society or branch; and the society or branch shall have power within such period,
 15 in the name of the society or branch, to grant and convey the said lands or tenements to any purchaser, so that the society or branch do no longer retain any interest therein; and the proceeds on such disposition shall be invested in public securities, municipal debentures, or other approved securities, not
 20 including mortgages on land, for the use of the society or branch; and any lands, tenements, or interests therein, required by this Act to be sold and disposed of by the society or branch, but which may not, within the said period, have been so disposed of, shall revert to the person from whom the same were
 25 acquired, his heirs, executors, administrators or assigns.

10. A copy of the declaration, under the second, fifth or sixth section of this Act, certified by the Provincial Registrar, or his deputy, or by the Clerk of the Peace, as the case may be, to be a true copy shall be *prima facie* evidence of the facts
 30 alleged in the declaration; and of the due making, signing and filing of the declaration, as mentioned in the certificate; and his certificate of the filing of the copy of the constitution and by-laws, under the sixth section, shall be like evidence of such filing; and a copy of the declaration with a certificate of the
 35 said Provincial Registrar, or his deputy, or Clerk of the Peace, showing the particulars necessary for creating a corporation under this Act, shall be *prima facie* evidence that the society or branch is an incorporated society or branch under this Act. No defect of form in the certificate of the Judge, or in the pro-
 40 ceedings to which the certificate of the Judge relates, shall affect the validity of the incorporation.

11. To facilitate the proof of a society or branch being an incorporated society or branch under this Act, and to prevent any future question as to the same, the society or branch, after
 45 the same has become incorporated as aforesaid, shall be entitled (if the society or branch thinks fit) to receive a certificate of such incorporation in manner hereinafter mentioned; and the certificate so obtained shall be final and conclusive evidence of the society or branch being an incorporation under this Act,
 50 unless the certificate, or the order or decision of the Court granting or authorizing the same, be reversed or set aside by some direct proceeding taken for the purpose; and the proceedings for the purpose of obtaining the Certificate may be as follows:—
 (1.) The application for the certificate may be made to one
 55 of the Superior Courts or a Judge thereof, or to the County Court of the County in which the declaration aforesaid is filed, or to a Judge thereof.

(2.) The application is to be supported by satisfactory evidence

that the society or branch is a society or branch within the true intent and meaning of this Act; that the proceedings necessary for incorporation have been duly taken; that four weeks' notice of the intention to apply for a certificate had been given to the Attorney-General of Ontario; and that a like notice had been published for four weeks in the *Ontario Gazette*; and if the Court or Judge is not satisfied with the evidence offered of these particulars in the first instance, the Court or Judge, instead of dismissing the application, may give an opportunity or opportunities for producing further evidence; and if there is any defect in the proceedings taken to obtain incorporation, the Court may permit the same to be supplied; and the Court or Judge may in all cases require from time to time any further publication to take place, and any other notice to be mailed, served or given, which the Court or Judge deems necessary. 5 10 15

(3.) When the Court is satisfied that the society or branch is entitled to the certificate, the certificate may be issued by the Registrar or Clerk in duplicate, or in as many parts as may be required; and the same shall name the day from and at which the incorporation was complete and effectual; and any person shall thereafter be entitled to receive a certificate to the same effect, sealed and signed as aforesaid, or a counterpart of the certificate first issued, sealed and signed as aforesaid; any which certificate or counterpart thereof shall be final and conclusive, as hereinbefore mentioned. 20 25

(4.) The Courts shall have the same power of regulating the practice and costs in such cases as in other cases; and, subject to this power, the costs and fees shall be the same as nearly as may be as in like cases within the jurisdiction of the said Courts respectively. 30

Society to furnish Statement of real property to the Legislature.

12. It shall be the duty of the corporation when thereunto required by the Lieutenant-Governor in Council, or by the Legislative Assembly, to furnish a statement of the real property, and of the estates therein, held by the society; and to give such details thereof as the Lieutenant-Governor or the Legislative Assembly may from time to time require. 35

Subject to further Legislation.

13. Societies or branches thereof incorporated under this Act shall be subject to such further and other provisions as the Legislature shall hereafter deem expedient.

Con. Stat. Can., c. 71; and 34 Vict., c. 32 (Ont.) repealed.

14. As far as regards the creation hereafter of incorporated societies in this Province, the Act, chapter seventy-one of the Consolidated Statutes of Canada, entitled "an Act respecting charitable, philanthropic and provident associations," and the Act, chapter thirty-two of the statutes of this Province, passed in the thirty-fourth year of Her Majesty's reign, amending the said Act, are hereby repealed. 40 45

SCHEDULE

Of Acts for purposes NOT intended by this Act.

Stat. U. 1. Chapter Forty-nine of the Consolidated Statutes of Upper Canada, entitled an Act respecting Joint Stock Companies
Con. 49.
C., c.

for the Construction of Roads and other works in Upper Canada.

2. Chapter Fifty of the Consolidated Statutes of Upper Canada, entitled An Act respecting Joint Stock Companies for the Construction of Piers, Wharves, Dry Docks and Harbours. Con. Stat. U. C., c. 50.

3. Chapter Fifty-one of the Consolidated Statutes of Upper Canada, entitled An Act for the promotion of Agriculture in Upper Canada. Con. Stat. U. C., c. 51.

4. Chapter Fifty-two of the Consolidated Statutes of Upper Canada, entitled An Act respecting Mutual Insurance Companies. Con. Stat. U. C., c. 52.

5. Chapter Fifty-three of the Consolidated Statutes of Upper Canada, entitled An Act respecting Building Societies. Con. Stat. U. C., c. 53.

6. Chapter Sixty of the Consolidated Statutes of Canada, entitled, An Act respecting Limited Partnerships. Con. Stat. Can., c. 60.

7. Chapter Sixty-three of the Consolidated Statutes of Canada, entitled An Act respecting Joint Stock Companies for Manufacturing, Mining, Mechanical, Chemical, or other purposes, or for the erection of Baths or Bath-Houses, or the opening and using of Salt or Mineral Springs, or for carrying on Fishing. Con. Stat. Can., c. 63.

8. Chapter Sixty-five of the Consolidated Statutes of Canada, entitled An Act respecting Incorporated Joint Stock Companies for supplying Cities, Towns and Villages with Gas and Water. Con. Stat. Can., c. 65.

9. Chapter Sixty-seven of the Consolidated Statutes of Canada, entitled An Act respecting Electric Telegraph Companies. Con. Stat. Can., c. 67.

10. Chapter Sixty-eight of the Consolidated Statutes of Canada, entitled An Act respecting Joint Stock Companies to Construct Works, to facilitate the transmission of Timber down Rivers and streams. Con. Stat. Can., c. 68.

11. Chapter Seventy-two of the Consolidated Statutes of Canada, entitled An Act respecting Library Associations and Mechanics' Institutes. Con. Stat. Can., c. 72.

12. Chapter Thirty-one of the Statutes of the late Province of Canada, passed in the Twenty-third year of Her Majesty's reign, entitled An Act respecting the Judicial Incorporation of Joint Stock Companies for certain purposes. 23 Vict., c. 31.

13. Chapter Twenty-three of the Statutes of the late Province of Canada, passed in the Session of Parliament, held in the Twenty-seventh and Twenty-eighth years of Her Majesty's reign, and entitled An Act to authorize the Granting of Charters of Incorporation to Manufacturing, Mining and other Companies. 27 & 28 Vict., c. 23.

14. Chapter Thirty-five of the Statutes of the Province of Ontario, passed in the Thirty-sixth year of Her Majesty's reign, entitled An Act to provide for the Incorporation of Immigration Aid Societies in the Province of Ontario. 33 Vict., c. 35 (Ont.)

36 Vict., c. 44
(Ont.)

15, Chapter Forty-four of the Statutes of the Province of Ontario, passed in the Thirty-sixth year of Her Majesty's reign, entitled An Act to consolidate and amend the laws having reference to Mutual Fire Insurance Companies in the Province of Ontario.

36 Vict., c.
135 (Ont.)

16, Chapter One Hundred and Thirty-five of the Statutes of the Province of Ontario, passed in the Thirty-sixth year of Her Majesty's reign, entitled An Act respecting the Property of Religious Institutions in the Province of Ontario.

No. 5.

3rd Session, 2nd Parliament, 37 Vict., 1874.

BILL.

An Act respecting Benevolent, Provident
and other Societies.

First Reading, 13th January, 1874.

Hon. Attorney-General MOWAT.

TORONTO:

Printed by HUNTER, ROBE & Co.

An Act respecting Benevolent, Provident and other Societies.

HER Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Power to form societies for certain purposes.

1. Any five or more persons, of full age, may become incorporated under this Act for any benevolent or provident purpose; or for any other purpose not illegal, save and except, the purpose of trade or business, and any purpose heretofore provided for by any of the Acts mentioned in the Schedule to this Act, or any other Act heretofore in force and not hereby repealed.

2. The proceedings to obtain incorporation shall be as follows:—

Mode of Incorporation.

(1.) Such persons shall make and sign before a Judge of one of the Superior Courts, or before a County Court Judge, a declaration in writing setting forth the intended corporate name of the society, the purpose of the society, the names of those who are to be the first trustees or managing officers, the mode in which their successors are to be appointed, and such other particulars and provisions as the society may think fit, provided that the said particulars and provisions are not contrary to law.

(2.) The declaration may be made and signed in duplicate, or in as many parts as may be required.

(3.) The Judge shall endorse thereon a certificate that the same appears to him to be in conformity with the Act.

(4.) One of the original parts of the declaration shall be filed in the office of either the Provincial Registrar, or the Clerk of the Peace for the county, or union of counties, in which the society is to hold its annual and general meetings.

(5.) When these directions have been complied with, the persons who signed the declaration shall thereby become, and they, their associates and successors, shall thenceforward be, a body corporate and politic, and shall have the powers, rights and immunities vested by law in such bodies.

When the incorporation is to be deemed complete.

3. The society so incorporated may, from time to time, establish and maintain any number of branches thereof, to promote the objects of the society.

Societies may establish branches.

4. The society may from time to time appoint trustees, a treasurer, a secretary, and other officers, for conducting its affairs, and for the discipline and management, of the society; and may from time to time make by-laws, rules or regulations for the government, and for conducting the affairs, of the society,

Appointment of officers, &c.

or of any branches thereof; and may from time to time alter or rescind such by-laws, rules or regulations.

How existing societies may become incorporated.

5. In case of a society, of a character authorized to be incorporated under section one of this Act, having been established before the passing of this Act, and being in existence at the time of the passing thereof, such society may become incorporated under this Act, in manner following: (1) the trustees or office bearers for the time being are to make, sign, and file, in manner aforesaid, a declaration stating the desire of the society to become incorporated according to the provisions of this Act, and stating also the intended corporate name of the society, and the purpose of the society; (2) there shall be annexed to and filed with such declaration a copy of the constitution and by-laws of the society; and (3) a certificate by such Judge as aforesaid, that the said documents appear to him to be in conformity with this section of this Act; and thereupon the society shall become and be a body corporate and politic as aforesaid. 5 10 15

How branches may become incorporated.

6. Any branch of a society of the character aforesaid, whether the society be incorporated under this Act, or be unincorporated, may become incorporated in manner following: (1) The trustees or office bearers for the time being of the branch are to make, sign, and file, in manner aforesaid a declaration of the desire of the branch to become incorporated according to the provisions of this Act, stating in the declaration the name of the branch; (2) there shall be filed with the declaration a copy of the constitution and by-laws (if any) of the branch; and in case the branch shall have no constitution or by-laws, an affidavit of the fact made by one or more of the said trustees or office bearers, shall be filed with the declaration; and (3) a certificate by such Judge as aforesaid, shall also be filed that the said documents appear to him to be in conformity with this section of this Act; and thereupon the said branch shall become and be a body corporate and politic as aforesaid. 20 25 30 35

Property of existing Society upon being incorporated under this Act.

7. In case of the incorporation of a society, or branch of a society, heretofore established and now in existence, all real estate and other property held at the time of such incorporation in trust for the said society or branch, shall, on such incorporation going into effect, become and be vested in the incorporated society or branch, without any deed, conveyance or assurance, and shall be held by the incorporated society or branch for such uses and purposes, and upon such trusts, and subject to such conditions and incumbrances, as for, and subject to which the same were theretofore held by the trustees. 40 45

Powers of societies as to holding lands.

8. No society or branch incorporated under this Act shall be entitled to acquire or hold, as purchasers or otherwise, any lands or tenements, or any interests therein, exceeding in the whole at any one time the annual value of five thousand dollars, nor shall the society or branch be entitled to purchase land except for the actual use and occupation of the society for the purposes of the society. 50

Power as to taking lands by gift, devise or bequest.

9. Any such society or branch may, from time to time, take by gift, devise or bequest any lands or tenements, or any interest therein, provided such gift, devise or bequest be made 55

at least six months before the death of the person making the same; but the society or branch shall at no time take, by gift, devise or bequest, lands or tenements or any interests therein, the annual value of which, together with that of all other lands and tenements theretofore acquired by like means, and then held, by the society or branch, shall exceed in the whole one thousand dollars; nor shall the society or branch at any time take by gift, devise or bequest, lands, tenements or hereditaments, the annual value of which and of all the other real estate of the society or branch shall together exceed five thousand dollars; and no lands or tenements, acquired by gift, devise or bequest, within the limits aforesaid, but not required for the actual use or occupation of the society or branch, shall be held by the society or branch for a longer period than seven years after the acquisition thereof; and within such period the same shall be absolutely disposed of by the society or branch; and the society or branch shall have power within such period, in the name of the society or branch, to grant and convey the said lands or tenements to any purchaser, so that the society or branch do no longer retain any interest therein; and the proceeds on such disposition shall be invested in public securities, municipal debentures, or other approved securities, not including mortgages on land, for the use of the society or branch; and any lands, tenements, or interests therein, required by this Act to be sold and disposed of by the society or branch, but which may not, within the said period, have been so disposed of, shall revert to the person from whom the same were acquired, his heirs, executors, administrators or assigns.

10. A copy of the declaration, under the second, fifth or sixth section of this Act, certified by the Provincial Registrar, or his deputy, or by the Clerk of the Peace, as the case may be, to be a true copy shall be *prima facie* evidence of the facts alleged in the declaration; and of the due making, signing and filing of the declaration, as mentioned in the certificate; and his certificate of the filing of the copy of the constitution and by-laws, under the sixth section, shall be like evidence of such filing; and a copy of the declaration with a certificate of the said Provincial Registrar, or his deputy, or Clerk of the Peace, showing the particulars necessary for creating a corporation under this Act, shall be *prima facie* evidence that the society or branch is an incorporated society or branch under this Act. No defect of form in the certificate of the Judge, or in the proceedings to which the certificate of the Judge relates, shall affect the validity of the incorporation.

Copy of declaration of incorporation to be evidence.

Defects in form.

11. To facilitate the proof of a society or branch being an incorporated society or branch under this Act, and to prevent any future question as to the same, the society or branch, after the same has become incorporated as aforesaid, shall be entitled (if the society or branch thinks fit) to receive a certificate of such incorporation in manner hereinafter mentioned; and the certificate so obtained shall be final and conclusive evidence of the society or branch being an incorporation under this Act, unless the certificate, or the order or decision of the Court granting or authorizing the same, be reversed or set aside by some direct proceeding taken for the purpose; and the proceedings for the purpose of obtaining the Certificate may be as follows:—

(1.) The application for the certificate may be made by the society or branch to one of the Superior Courts or a Judge

Application for Certificate of Incorporation; its effect as evidence.

thereof, or to the County Court of the County in which the declaration aforesaid is filed, or to a Judge thereof.

(2.) The application is to be supported by satisfactory evidence that the society or branch is a society or branch within the true intent and meaning of this Act; that the proceedings necessary for incorporation have been duly taken; that four weeks' notice of the intention to apply for a certificate had been given to the Attorney-General of Ontario; and that a like notice had been published for four weeks in the *Ontario Gazette*; and if the Court or Judge is not satisfied with the evidence offered of these particulars in the first instance, the Court or Judge, instead of dismissing the application, may give an opportunity or opportunities for producing further evidence; and if there is any defect in the proceedings taken to obtain incorporation, the Court may permit the same to be supplied; and the Court or Judge may in all cases require from time to time any further publication to take place, and any other notice to be mailed, served or given, which the Court or Judge deems necessary.

(3.) When the Court is satisfied that the society or branch is entitled to the certificate, the certificate may be issued by the Registrar or Clerk in duplicate, or in as many parts as may be required; and the same shall name the day from and at which the incorporation was complete and effectual; and any person shall thereafter be entitled to receive a certificate to the same effect, sealed and signed as aforesaid, or a counterpart of the certificate first issued, sealed and signed as aforesaid; any which certificate or counterpart thereof shall be final and conclusive, as hereinbefore mentioned.

Costs and
practice.

(4.) The Courts shall have the same power of regulating the practice and costs in such cases as in other cases; and, subject to this power, the costs and fees shall be the same as nearly as may be as in like cases within the jurisdiction of the said Courts respectively.

Society to fur-
nish State-
ment of real
property to the
Legislature.

12. It shall be the duty of the corporation when thereunto required by the Lieutenant-Governor in Council, or by the Legislative Assembly, to furnish a statement of the real property, and of the estates therein, held by the society; and to give such details thereof as the Lieutenant-Governor or the Legislative Assembly may from time to time require.

Subject to
further Legis-
lation.

13. Societies or branches thereof incorporated under this Act shall be subject to such further and other provisions as the Legislature shall hereafter deem expedient.

Con. Stat.
Can., c. 71;
and 34 Vict.,
c. 32 (Ont.)
repealed.

14. As far as regards the creation hereafter of incorporated societies in this Province, the Act, chapter seventy-one of the Consolidated Statutes of Canada, entitled "an Act respecting charitable, philanthropic and provident associations," and the Act, chapter thirty-two of the statutes of this Province, passed in the thirty-fourth year of Her Majesty's reign, amending the said Act, are hereby repealed.

SCHEDULE

Of Acts for purposes NOT intended by this Act.

Con. Stat. U.
C., c. 49.

1. Chapter Forty-nine of the Consolidated Statutes for Upper Canada, entitled an Act respecting Joint Stock Companies

for the Construction of Roads and other works in Upper Canada.

2. Chapter Fifty of the Consolidated Statutes for Upper Canada, entitled An Act respecting Joint Stock Companies for the Construction of Piers, Wharves, Dry Docks and Harbours. Con. Stat. U. C., c. 50.

3. Chapter Fifty-one of the Consolidated Statutes for Upper Canada, entitled An Act for the promotion of Agriculture in Upper Canada. Con. Stat. U. C., c. 51.

4. Chapter Fifty-two of the Consolidated Statutes for Upper Canada, entitled An Act respecting Mutual Insurance Companies. Con. Stat. U. C., c. 52.

5. Chapter Fifty-three of the Consolidated Statutes for Upper Canada, entitled An Act respecting Building Societies. Con. Stat. U. C., c. 53.

6. Chapter Sixty-seven of the Consolidated Statutes for Upper Canada, being An Act respecting Cemeteries. Con. Stat. Can. c. 60.

7. Chapter Sixty of the Consolidated Statutes of Canada, entitled, An Act respecting Limited Partnerships. Con. Stat. U. C. c. 67.

8. Chapter Sixty-three of the Consolidated Statutes of Canada, entitled An Act respecting Joint Stock Companies for Manufacturing, Mining, Mechanical, Chemical, or other purposes, or for the erection of Public Hotels, Baths and Bath-Houses, or the opening and using of Salt or Mineral Springs, or for carrying on Fishing. Con. Stat. Can., c. 63.

9. Chapter Sixty-five of the Consolidated Statutes of Canada, entitled An Act respecting Incorporated Joint Stock Companies for supplying Cities, Towns and Villages with Gas and Water. Con. Stat. Can., c. 65.

10. Chapter Sixty-seven of the Consolidated Statutes of Canada, entitled An Act respecting Electric Telegraph Companies. Con. Stat. Can., c. 67.

11. Chapter Sixty-eight of the Consolidated Statutes of Canada, entitled An Act respecting Joint Stock Companies to Construct Works, to facilitate the transmission of Timber down Rivers and streams. Con. Stat. Can., c. 68.

12. Chapter Seventy-two of the Consolidated Statutes of Canada, entitled An Act respecting Library Associations and Mechanics' Institutes. Con. Stat. Can., c. 72.

13. Chapter Thirty-one of the Statutes of the late Province of Canada, passed in the Twenty-third year of Her Majesty's reign, entitled An Act respecting the Judicial Incorporation of Joint Stock Companies for certain purposes. 23 Vict., c. 31.

14. Chapter Twenty-three of the Statutes of the late Province of Canada, passed in the Session of Parliament, held in the Twenty-seventh and Twenty-eighth years of Her Majesty's reign, and entitled An Act to authorize the Granting of Charters of Incorporation to Manufacturing, Mining and other Companies. 27 & 28 Vict., c. 23.

36 Vict., c. 35
(Ont.) 15. Chapter Thirty-five of the Statutes of the Province of Ontario, passed in the Thirty-sixth year of Her Majesty's reign, entitled An Act to provide for the Incorporation of Immigration Aid Societies in the Province of Ontario.

36 Vict., c. 44
(Ont.) 15, Chapter Forty-four of the Statutes of the Province of Ontario, passed in the Thirty-sixth year of Her Majesty's reign, entitled An Act to consolidate and amend the laws having reference to Mutual Fire Insurance Companies in the Province of Ontario.

36 Vict., c.
135 (Ont.) 16. Chapter One Hundred and Thirty-five of the Statutes of the Province of Ontario, passed in the Thirty-sixth year of Her Majesty's reign, entitled An Act respecting the Property of Religious Institutions in the Province of Ontario.

BILL.

An Act respecting Benevolent, Provident
and other Societies.

(Reprinted as amended.)

First Reading, 13th January, 1874

Second Reading, 3rd February, 1874.

Hon. Attorney-General Mowat.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act respecting Benevolent, Provident and other Societies.

HER Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Power to form societies for certain purposes.

1. Any five or more persons, of full age, may become incorporated under this Act for any benevolent or provident purpose; or for any other purpose not illegal, save and except, the purpose of trade or business, and any purpose heretofore provided for by any of the Acts mentioned in the Schedule to this Act, or any other Act heretofore in force and not hereby repealed.

2. The proceedings to obtain incorporation shall be as follows:—

Mode of Incorporation.

(1.) Such persons shall make and sign before a Judge of one of the Superior Courts, or before a County Court Judge, a declaration in writing setting forth the intended corporate name of the society, the purpose of the society, the names of those who are to be the first trustees or managing officers, the mode in which their successors are to be appointed, and such other particulars and provisions as the society may think fit, provided that the said particulars and provisions are not contrary to law.

(2.) The declaration may be made and signed in duplicate, or in as many parts as may be required.

(3.) The Judge shall endorse thereon a certificate that the same appears to him to be in conformity with the Act.

(4.) One of the original parts of the declaration shall be filed in the office of either the Provincial Registrar, or the Clerk of the Peace for the county, or union of counties, in which the society is to hold its annual and general meetings.

(5.) When these directions have been complied with, the persons who signed the declaration shall thereby become, and they, their associates and successors, shall thenceforward be, a body corporate and politic, and shall have the powers, rights and immunities vested by law in such bodies.

When the incorporation is to be deemed complete.

3. The society so incorporated may, from time to time, have or establish and maintain any number of branches thereof, to promote the objects of the society.

Societies may establish branches.

4. The society may from time to time appoint trustees, a treasurer, a secretary, and other officers, for conducting its affairs, and for the discipline and management, of the society; and may from time to time make by-laws, rules or regulations for the government, and for conducting the affairs, of the society,

Appointment of officers, &c.

or of any branches thereof; and may from time to time alter or rescind such by-laws, rules or regulations.

How existing societies may become incorporated.

5. In case of a society, of a character authorized to be incorporated under section one of this Act, having been established before the passing of this Act, and being in existence at the time of the passing thereof, and desire to be incorporated under this Act, such society may become incorporated in manner following: (1) the trustees or office bearers for the time being are to make, sign, and file, in manner aforesaid, a declaration stating the desire of the society to become incorporated according to the provisions of this Act, and stating also the intended corporate name of the society, and the purpose of the society; (2) there shall be annexed to and filed with such declaration a copy of the constitution and by-laws of the society; or by which the society is governed; and (3) a certificate by such Judge as aforesaid, that the said documents appear to him to be in conformity with this section of this Act; and thereupon the society shall become and be a body corporate and politic as aforesaid.

How branches may become incorporated.

6. Any branch of an incorporated society of the character aforesaid, may become incorporated in manner following: (1) The trustees or office bearers for the time being of the branch are to make, sign, and file, in manner aforesaid a declaration of the desire of the branch to become incorporated according to the provisions of this Act, stating in the declaration the name of the branch; (2) there shall be filed with the declaration a copy of the constitution and by-laws (if any) of the branch; and in case the branch shall have no constitution or by-laws, an affidavit of the fact, made by one or more of the said trustees or office bearers, shall be filed with the declaration; and (3) a certificate by such Judge as aforesaid, shall also be filed, that the said documents appear to him to be in conformity with this section of this Act; and thereupon the said branch shall become and be a body corporate and politic as aforesaid.

How branches of incorporated societies may become incorporated.

7. Any branch of a society of the character aforesaid, which society has been incorporated under this Act, may become incorporated in like manner and by like proceedings with the consent of the society to which the branch belongs, such consent to be given at a general meeting of the society called for the purpose in manner provided by the constitution and by-laws of the society, and upon proof of such consent having been given in manner aforesaid, being filed with the other documents aforesaid, before the judge grants his certificate as provided by the preceding sections.

Different societies or branches may unite.

8. Any two or more societies or branches of a society, may unite and form one society or branch, for the purpose of erecting buildings for the use of the societies or branches, and if they so desire for other purposes, on such terms as may be agreed upon, by authority of a resolution assented to by a majority of the members of each of the said societies or branches proposed to be united; provided that every such resolution is passed at a general meeting of each of the societies or branches concerned in such union to be specially called for that purpose.

Persons under age.

9. A person under the age of twenty-one years, elected or

admitted as a member of a society, or appointed to any office therein, shall be liable to the payment of fees and otherwise under the rules of the society, as if he were of full age.

10. When, on the death of any member of a society, any
 5 sum of money shall become payable under the rules of the so- Payment of money due on death of member.
 ciety, the same shall be paid by the treasurer or other officer of
 the society to the person or persons entitled under the rules
 thereof, and such money shall be, to the extent of five hundred
 dollars, free from all claims by the personal representative or
 10 creditors of the deceased; and in case any sum be paid in good
 faith to the person who shall appear to the treasurer or other
 officer to be entitled to receive the same, no action shall be
 brought against such treasurer or other officer of the society in
 respect thereof; but nevertheless if it should subsequently ap-
 15 pear that such money has been paid to the wrong person, the
 person entitled thereto may recover the amount with interest
 from the person who may have wrongfully received it.

11. In case of the incorporation of a society, or branch of a Property of existing Society upon being incorporated under this Act.
 20 society, heretofore established and now in existence, all real
 estate and other property held at the time of such incorporation
 in trust for the said society or branch, shall, on such incorpora-
 tion going into effect, become and be vested in the incor-
 porated society or branch, without any deed, conveyance or
 25 assurance, and shall be held by the incorporated society or
 branch for such uses and purposes, and upon such trusts, and
 subject to such conditions and incumbrances, as for, and subject
 to which the same were theretofore held by the trustees.

12. No society or branch incorporated under this Act shall be Powers of societies as to holding lands.
 30 entitled to acquire or hold, as purchasers or otherwise, any lands
 or tenements, or any interests therein, exceeding in the whole
 at any one time the annual value of five thousand dollars, nor
 shall the society or branch be entitled to purchase land except
 for the actual use and occupation of the society for the pur-
 35 poses of the society.

13. Any such society or branch may, from time to time, Power as to taking lands by gift, devise or bequest.
 take by gift, devise or bequest any lands or tenements, or any
 interest therein, provided such gift, devise or bequest be made
 at least six months before the death of the person making the
 40 same; but the society or branch shall at no time take, by gift,
 devise or bequest, lands or tenements or any interests therein,
 the annual value of which, together with that of all other lands
 and tenements theretofore acquired by like means, and then
 held, by the society or branch, shall exceed in the whole one
 45 thousand dollars; nor shall the society or branch at any time
 take by gift, devise or bequest, lands, tenements or heredita-
 ents, the annual value of which and of all the other real estate
 of the society or branch shall together exceed five thousand
 dollars; and no lands or tenements, acquired by gift, devise
 50 or bequest, within the limits aforesaid, but not required for
 the actual use or occupation of the society or branch, shall be
 held by the society or branch for a longer period than seven
 years after the acquisition thereof; and within such period the
 same shall be absolutely disposed of by the society or branch;
 55 and the society or branch shall have power within such period,
 in the name of the society or branch, to grant and convey

the said lands or tenements to any purchaser, so that the society or branch do no longer retain any interest therein: and the proceeds on such disposition shall be invested in public securities, municipal debentures, or other approved securities, not including mortgages on land, for the use of the society or branch; and any lands, tenements, or interests therein, required by this Act to be sold and disposed of by the society or branch, but which may not, within the said period, have been so disposed of, shall revert to the person from whom the same were acquired, his heirs, executors, administrators or assigns. 5 10

Power to mortgage, etc., lands.

14. Any society may, in pursuance of a resolution assented to by a majority of the members present at a general meeting, specially called for that purpose, of which public notice shall be given in the manner provided by the by-laws, mortgage, sell, exchange or lease, any lands of the society. 15

Copy of declaration of incorporation to be evidence.

15. A copy of the declaration, under the second, fifth or sixth section of this Act, certified by the Provincial Registrar, or his deputy, or by the Clerk of the Peace, as the case may be, to be a true copy shall be *prima facie* evidence of the facts alleged in the declaration; and of the due making, signing and filing of the declaration, as mentioned in the certificate; and his certificate of the filing of the copy of the constitution and by-laws, under the sixth section, shall be like evidence of such filing; and a copy of the declaration with a certificate of the said Provincial Registrar, or his deputy, or Clerk of the Peace, showing the particulars necessary for creating a corporation under this Act, shall be *prima facie* evidence that the society or branch is an incorporated society or branch under this Act. No defect of form in the certificate of the Judge, or in the proceedings to which the certificate of the Judge relates, shall affect the validity of the incorporation. 20 25 30

Defects in form.

Application for Certificate of Incorporation; its effect as evidence.

16. To facilitate the proof of a society or branch being an incorporated society or branch under this Act, and to prevent any future question as to the same, the society or branch, after the same has become incorporated as aforesaid, shall be entitled (if the society or branch thinks fit) to receive a certificate of such incorporation in manner hereinafter mentioned; and the certificate so obtained shall be final and conclusive evidence of the society or branch being an incorporation under this Act, unless the certificate, or the order or decision of the Court granting or authorizing the same, be reversed or set aside by some direct proceeding taken for the purpose; and the proceedings for the purpose of obtaining the Certificate may be as follows:— 35 40

(1.) The application for the certificate may be made by the society or branch to one of the Superior Courts or a Judge thereof, or to the County Court of the County in which the declaration aforesaid is filed, or to a Judge thereof. 45

(2.) The application is to be supported by satisfactory evidence that the society or branch is a society or branch within the true intent and meaning of this Act; that the proceedings necessary for incorporation have been duly taken; that four weeks' notice of the intention to apply for a certificate had been given to the Attorney-General of Ontario; and that a like notice had been published for four weeks in the *Ontario Gazette*; and if the Court or Judge is not satisfied with the evidence offered of these particulars in the first instance, the Court or Judge, instead of 50 55

dismissing the application, may give an opportunity or opportunities for producing further evidence; and if there is any defect in the proceedings taken to obtain incorporation, the Court may permit the same to be supplied; and the Court or
 5 Judge may in all cases require from time to time any further publication to take place, and any other notice to be mailed, served or given, which the Court or Judge deems necessary.

(3.) When the Court is satisfied that the society or branch is entitled to the certificate, the certificate may be issued by the
 10 Registrar or Clerk in duplicate, or in as many parts as may be required; and the same shall name the day from and at which the incorporation was complete and effectual; and any person shall thereafter be entitled to receive a certificate to the same effect, sealed and signed as aforesaid, or a counterpart of the
 15 certificate first issued, sealed and signed as aforesaid; any which certificate or counterpart thereof shall be final and conclusive, as hereinbefore mentioned.

(4.) The Courts shall have the same power of regulating the
 20 practice and costs in such cases as in other cases; and, subject to this power, the costs and fees shall be the same as nearly as may be as in like cases within the jurisdiction of the said Courts respectively.

17. It shall be the duty of the corporation when thereunto
 25 required by the Lieutenant-Governor in Council, or by the Legislative Assembly, to furnish a statement of the real property, and of the estates therein, held by the society; and to give such details thereof as the Lieutenant-Governor or the Legislative Assembly may from time to time require.

18. Societies or branches thereof incorporated under this
 30 Act shall be subject to such further and other provisions as the Legislature shall hereafter deem expedient.

19. As far as regards the creation hereafter of incorporated societies in this Province, the Act, chapter seventy-one of
 35 the Consolidated Statutes of Canada, entitled "an Act respecting charitable, philanthropic and provident associations," and the Act, chapter thirty-two of the statutes of this Province, passed in the thirty-fourth year of Her Majesty's reign, amending the said Act, are hereby repealed.

SCHEDULE

Of Acts for purposes NOT intended by this Act.

1. Chapter Forty-nine of the Consolidated Statutes for Upper
 Canada, entitled an Act respecting Joint Stock Companies
 for the Construction of Roads and other works in Upper
 Canada.

2. Chapter Fifty of the Consolidated Statutes for Upper
 Canada, entitled An Act respecting Joint Stock Companies for
 the Construction of Piers, Wharves, Dry Docks and Harbours

3. Chapter Fifty-one of the Consolidated Statutes for Upper
 Canada, entitled An Act for the promotion of Agriculture in
 Upper Canada.

- Con. Stat. U.
C., c. 52. 4. Chapter Fifty-two of the Consolidated Statutes for Upper
Canada, entitled An Act respecting Mutual Insurance Companies.
- Con. Stat. U.
C., c. 53. 5. Chapter Fifty-three of the Consolidated Statutes for Upper
Canada, entitled An Act respecting Building Societies.
- Con. Stat.
Can. c. 60. 6. Chapter Sixty-seven of the Consolidated Statutes for
Upper Canada, being An Act respecting Cemeteries.
- Con. Stat. U.
C. c. 67. 7. Chapter Sixty of the Consolidated Statutes of Canada,
entitled, An Act respecting Limited Partnerships.
- Con. Stat.
Can., c. 63. 8. Chapter Sixty-three of the Consolidated Statutes of
Canada, entitled An Act respecting Joint Stock Companies for
Manufacturing, Mining, Mechanical, Chemical, or other pur-
poses, or for the erection of Public Hotels, Baths and Bath-
Houses, or the opening and using of Salt or Mineral Springs,
or for carrying on Fishing.
- Con. Stat.
Can., c. 65. 9. Chapter Sixty-five of the Consolidated Statutes of Canada
entitled An Act respecting Incorporated Joint Stock Companies
for supplying Cities, Towns and Villages with Gas and Water
- Con. Stat.
Can., c. 67. 10. Chapter Sixty-seven of the Consolidated Statutes of
Canada, entitled An Act respecting Electric Telegraph Com-
panies.
- Con. Stat.
Can., c. 68. 11. Chapter Sixty-eight of the Consolidated Statutes of
Canada, entitled An Act respecting Joint Stock Companies to
Construct Works, to facilitate the transmission of Timber down
Rivers and streams.
- Con. Stat.
Can., c. 72. 12. Chapter Seventy-two of the Consolidated Statutes of
Canada, entitled An Act respecting Library Associations and
Mechanics' Institutes.
- 23 Vict., c. 31. 13. Chapter Thirty-one of the Statutes of the late Province
of Canada, passed in the Twenty-third year of Her Majesty's
reign, entitled An Act respecting the Judicial Incorporation
of Joint Stock Companies for certain purposes.
- 27 & 28 Vict.,
c. 23. 14. Chapter Twenty-three of the Statutes of the late Pro-
vince of Canada, passed in the Session of Parliament, held in
the Twenty-seventh and Twenty-eighth years of Her Majesty's
reign, and entitled An Act to authorize the Granting of Char-
ters of Incorporation to Manufacturing, Mining and other
Companies.
- 29 Vict., c. 22. 15. Chapter Twenty-two of the Statutes of the said Province
of Canada, passed in the Twenty-ninth year of Her Majesty's
reign, and intitled "An Act to authorize the formation of Com-
panies or Co-operation Associations for the purpose of carrying
on in common any trade or business."
- 36 Vict., c. 35
(Ont.) 16. Chapter Thirty-five of the Statutes of the Province of
Ontario, passed in the Thirty-sixth year of Her Majesty's reign,
entitled An Act to provide for the Incorporation of Immigration
Aid Societies in the Province of Ontario.

36 Vict., c. 44
(Ont.)

17, Chapter Forty-four of the Statutes of the Province of Ontario, passed in the Thirty-sixth year of Her Majesty's reign, entitled An Act to consolidate and amend the laws having reference to Mutual Fire Insurance Companies in the Province of Ontario.

36 Vict., c.
135 (Ont.)

18. Chapter One Hundred and Thirty-five of the Statutes of the Province of Ontario, passed in the Thirty-sixth year of Her Majesty's reign, entitled An Act respecting the Property of Religious Institutions in the Province of Ontario.

3rd Session, 2nd Parliament, 37 Victoria, 1874.

BILL.

An Act respecting Benevolent, Provident
and other Societies.

*(Reprinted as amended in Committee of the
Whole House.)*

1st Reading, 18th January, 1874.

2nd Reading, 3rd February, 1874.

Hon. Attorney-General MowAT.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act respecting the incorporation of Joint Stock
Companies by Letters Patent.

HER Majesty, by and with the advice and consent of the Preamble.
Legislative Assembly of the Province of Ontario, enacts
as follows:—

1. This Act may be cited as the "Ontario Joint Stock Com- Short title.
5 panies Letters Patent Act, 1874."

2. The following expressions, in this Act, and in all letters Interpretation
patent and supplementary letters patent issued under the same, of the words:
shall have the meaning hereby assigned to them, unless there
is something in the subject or context repugnant to such con-
10 struction, that is to say:

(1.) The expression "the letters patent" means the letters "The letters
patent incorporating a Company for any purpose contemplated patent;"
by this Act;

(2.) The expression "the supplementary letters patent" "The supple-
15 means any letters patent granted for the increasing or reducing mentary let-
of the capital stock of such Company; ters patent;"

(3.) The expression "the Company" means the Company so "The com-
incorporated by letters patent; pany;"

(4.) The expression "the undertaking" means the whole of "The under-
20 the works and business of every kind, which the Company is taking;"
authorized to carry on;

(5.) The expression "real estate" or "land" includes all "Real estate,"
immovable real property of every kind; "Land;"

(6.) The expression "shareholder" means every subscriber "Share-
25 to or holder of stock in the Company, and extends to and holder."
includes the personal representatives of the shareholder.

3. The Lieutenant-Governor in Council may, by letters patent Companies
under the great seal, grant a charter to any number of persons, formed for
not less than five, who shall petition therefor, constituting such certain pur-
30 persons and others who may become shareholders in the Com- poses may be
pany thereby created, a body corporate and politic, for any incorporated
purposes or objects to which the Legislative authority of the by letters
Legislature of Ontario extends, except the construction and patent.
working of Railways and the business of Insurance.

35 4. The applicants for such letters patent must give at least Notice to be
one month's previous notice in the *Ontario Gazette*, of their given in the
intention to apply for the same, stating therein: *Ontario
Gazette, and
what it shall
contain.*

(1.) The proposed corporate name of the Company, which shall not be that of any other known company, incorporated or unincorporated, or any name liable to be unfairly confounded therewith, or otherwise on public grounds objectionable ;

(2.) The object for which its incorporation is sought ;

5

(3.) The place or places within the Province of Ontario, where its operations are to be carried on, with special mention if there be two or more such places, of some one of them as its chief place of business ;

(4.) The amount of its capital stock ;

10

(5.) The number of shares and amount of each share ;

Names of
applicants and
first Directors.

(6.) The names in full and the address and calling of each of the applicants, with special mention of the names of not less than three nor more than nine of their number, who are to be the first Directors of the Company, and the major part of whom must be resident in Ontario, and subjects of Her Majesty by birth or naturalization.

15

Petition for
letters patent.

5. At any time, not more than one month after the last publication of such notice, the applicants may petition the Lieutenant-Governor, through the Provincial Secretary, for the issue of such letters patent :

What it shall
contain :
amount of
stock taken,
&c.

(2.) Such petition must recite the facts set forth in the notice, and must further state the amount of stock taken by each applicant, and also the amount paid in upon the stock of each applicant, and the manner in which the same has been paid in and is held for the Company ;

25

A certain
amount must
be taken.

(3.) The aggregate of the stock so taken must be at least the one half of the total amount of stock of the Company ;

And a certain
amount paid
up thereon.

(4.) The aggregate so paid in thereon must be at least five per cent. of the total capital ; unless such total exceed five hundred thousand dollars, in which case the aggregate paid in upon the excess over five hundred thousand dollars must be at least two per cent. thereof ;

30

Disposal of
amount paid
in.

(5.) Such aggregate must have been paid in to the credit of the Company, or of trustees therefor, and must be standing at such credit, in some chartered bank or banks in Ontario, unless the object of the Company is one requiring that it should own real estate, in which case not more than one half of such aggregate may be paid by the conveyance to trustees for the Company, of real estate suitable to such object ; or one-half of such aggregate may before the issuing of the Letters Patent be *bonâ fide* invested in real estate, suitable as aforesaid, and held by the trustees for the Company. Such real estate, in either case, to be fully of the required value over and above all incumbrances thereon ;

45

Provisions
required to be
embodied.

(6.) The petition may ask for the embodying in the letters patent, of any provision which otherwise under this Act might be embodied in any by-law of the Company when incorporated.

6. Before the letters patent are issued, the applicants must establish to the satisfaction of the Provincial Secretary, or of such other officer as may be charged by order of the Lieutenant-Governor in Council to report thereon, the sufficiency of their notice and petition, the truth and sufficiency of the facts therein set forth—and further that the applicants, and more especially the provisional directors named, are persons of sufficient reputed means to warrant the application ;

Preliminary conditions, to be established.

(2.) And to that end, the Provincial Secretary, or such other officer, may take and keep of record any requisite evidence in writing under oath or affirmation, and he, or any Justice of the Peace, or Commissioner for taking affidavits in either of the Superior Courts, may administer every requisite oath or affirmation.

Proof thereof.

7. The letters patent shall recite all the material averments of the notice and petition as so established.

Facts to be recited in letters patent.

8. Notice of the granting of the letters patent shall be forthwith given by the Provincial Secretary, in the *Ontario Gazette*, in the form of the schedule A appended to this Act ; and thereupon, from the date of the letters patent, the persons therein named and their successors shall be a body corporate and politic by the name mentioned therein.

Notice of issuing letters patent.

9. Every Company so incorporated may acquire, hold, alienate and convey, any real estate, requisite for the carrying on of the undertaking of such Company, and shall forthwith become and be invested with all rights, real and personal, heretofore held by or for the Company under a trust created with a view to its incorporation, and with all the powers, privileges and immunities requisite to the carrying on of its undertaking, as though the Company has been incorporated by a special Act of the Legislature, making the Company a body politic and corporate, and embodying all the provisions of this Act, and of the letters patent.

General corporate powers of such companies.

10. The Directors of the Company, if they see fit at any time, after the whole capital stock of the Company shall have been allotted and paid in, but not sooner, may make a by-law for increasing the capital stock of the Company to any amount which they may consider requisite in order to the due carrying out of the objects of the Company ;

Increase of capital.

(2.) Such by-law shall declare the number and value of the shares of the new stock ; and may prescribe the manner in which the same shall be allotted ; and in default of its so doing, the control of such allotment shall be held to vest absolutely in the Directors.

By-law for that purpose.

11. The Directors of the Company, if they see fit at any time, may make a by-law for decreasing the capital stock of the Company to any amount which they may consider sufficient in order to the due carrying out of the undertaking of the Company, and advisable ;

Reduction of capital.

(2.) Such by-law shall declare the number and value of the shares of the stock as so decreased ; and the allotment thereof, or the rule or rules by which the same shall be made.

By-law for that purpose.

Such by-laws must be approved by shareholders and confirmed by supplementary letters patent.

12. But no by-law for increasing or decreasing the capital stock of the Company shall have any force or effect whatever, until after it shall have been sanctioned by a vote of not less than two-thirds in value of the shareholders at a general meeting of the Company duly called for considering the same—and afterwards confirmed by supplementary letters patent. 5

Petition for supplementary letters patent.

13. At any time not more than six months after such sanction of such by-law, the Directors may petition the Lieutenant-Governor, through the Provincial Secretary, for the issue of supplementary letters patent to confirm the same; 10

By-law, &c., to be produced with petition.

(2.) With such petition they must produce such by-law, and establish to the satisfaction of the Provincial Secretary, or of such other officer as may be charged by order of the Lieutenant-Governor in Council, to report thereon, the due passage and sanction of such by-law, and the *bond fide* character of the increase or decrease of capital thereby provided for; 15

Powers of officer charged to report on petition.

(3.) And to that end the Provincial Secretary, or such other officer, may take and keep of record any requisite evidence in writing, under oath or affirmation, and he, or any Justice of the Peace, or Commissioner aforesaid, may administer every requisite oath or affirmation. 20

Granting of supplementary letters patent.
—Notice,—
effect of such letters patent.

14. Upon due proof so made, the Lieutenant-Governor in Council may grant such supplementary letters patent under the great seal; and notice thereof shall be forthwith given by the Provincial Secretary in the *Ontario Gazette*, in the form of the schedule B appended to this Act; and thereupon, from the date of the supplementary letters patent, the capital stock of the Company shall be and remain increased, or decreased, as the case may be, to the amount, in the manner, and subject to the conditions set forth by such by-law; and the whole of the stock, as so increased or decreased, shall become subject to the provisions of this Act; in like manner (so far as may be) as though every part thereof had formed part of the stock of the Company originally subscribed. 25 30

Powers of the company to be subject to this Act.

15. All powers given to the Company by the letters patent and supplementary letters patent granted in its behalf, shall be exercised subject to the provisions and restrictions contained in this Act. 35

Board of Directors.

16. The affairs of every such Company shall be managed by a Board, of not less than three, nor more than nine Directors. 40

Provisional Directors.

17. The persons named as such, in the letters patent, shall be the Directors of the Company, until replaced by others duly appointed in their stead.

Qualifications of Directors.

18. No person shall be elected or appointed as a Director thereafter, unless he is a shareholder, owning stock absolutely in his own right, and not in arrear in respect of any call thereon; and the major part of the after Directors of the Company shall, further, at all times, be persons resident in Ontario, and subjects of Her Majesty by birth or naturalization. 45

After Directors, to be elected.

19. The after Directors of the Company shall be elected by the shareholders in general meeting of the Company assembled, 50

at such times, in such wise, and for such term, not exceeding two years, as the letters patent, or (in default thereof) the by-laws of the Company may prescribe.

20. In default only of other express provisions in such be- Mode of election.
5 half, by the letters patent or by-laws of the Company,—

(1.) Such election shall take place yearly, all the members of the Board retiring, and (if otherwise qualified) being eligible for re-election ;

(2.) Notice of the time and place for holding general meetings
10 of the Company shall be given at least ten days previously thereto, in some newspaper published at or as near as may be to the office or chief place of business of the Company ;

(3.) At all general meetings of the Company, every shareholder shall be entitled to as many votes as he owns shares
15 in the Company, and may vote by proxy ;

(4.) Elections of Directors shall be by ballot ;

(5.) Vacancies occurring in the Board of Directors may be Vacancies.
filled for the unexpired remainder of the term, by the Board, from among the qualified shareholders of the Company ;

20 (6.) The Directors shall, from time to time, elect from among President.
themselves, a President of the Company ; and shall also name, and may remove at pleasure, all other officers thereof.

21. If at any time an election of Directors be not made, or
do not take effect at the proper time, the Company shall not
25 be held to be thereby dissolved ; but such election may take Failure to elect Directors, how remedied.
place at any general meeting of the Company duly called for that purpose ; and the retiring Directors shall continue in office until their successors are elected.

22. The Directors of the Company shall have full power in Powers and duties of Directors.
30 all things to administer the affairs of the Company, and may make, or cause to be made, for the Company, any description of contract which the Company may by law enter into ; and may, from time to time, make by-laws not contrary to law, By-laws.
35 regulate the allotment of stock, the making of calls thereon, the payment thereof, the issue and registration of certificates of stock, the forfeiture of stock for non-payment, the disposal of forfeited stock and of the proceeds thereof, the transfer of stock, the declaration and payment of dividends, the number
40 of the Directors, their term of service, the amount of their stock qualification, the appointment, functions, duties and removal of all agents, officers and servants of the Company the security to be given by them to the Company, their re- Officers.
muneration, the time at which and place where the annual
45 meetings of the Company shall be held, the calling of meetings, regular and special, of the Board of Directors, and of the Company, the quorum, the requirements as to proxies, and the procedure in all things at such meetings, the imposition and recovery of all penalties and forfeitures admitting of regulation
50 by by-law, and the conduct in all other particulars of the affairs of the Company ; and may, from time to time, repeal,

amend or re-enact the same ; but every such by-law, and every repeal, amendment or re-enactment thereof, unless in the meantime confirmed at a general meeting of the Company, duly called for that purpose, shall only have force until the next annual meeting of the Company, and in default of confirmation thereat, shall, at and from that time only, cease to have force ; and in that case no new by-law to the same or like effect shall have any force, until confirmed at a general meeting of the Company ; Provided always that one fourth part in value of the shareholders of the Company shall at all times have the right to call a special meeting thereof, for the transaction of any business specified in such written requisition and notice as they may issue to that effect.

23. A copy of any by-law of the Company, under their seal, and purporting to be signed by any officer of the Company, shall be received as *prima facie* evidence of such by-law in all Courts of Law or Equity in Ontario.

24. The stock of the Company shall be deemed personal estate, and shall be transferable, in such manner only, and subject to all such conditions and restrictions as by this Act, or by the letters patent or by-laws of the Company, are or shall be prescribed.

25. If the letters patent make no other definite provision, the stock of the Company, so far as it is not allotted thereby, shall be allotted when and as the Directors, by by-law or otherwise, may ordain.

26. The Directors of the Company may call in and demand from the shareholders thereof, respectively, all sums of money by them subscribed, at such times and places, and in such payments or instalments, as the letters patent, or this Act, or the by-laws of the Company may require or allow ; and interest shall accrue and fall due, at the rate of six per centum per annum, upon the amount of any unpaid call, from the day appointed for payment of such call.

27. Not less than ten per centum upon the allotted stock of the Company shall, by means of one or more calls, be called in and made payable within one year from the incorporation of the Company ; and for every year thereafter, at least a further five per centum shall in like manner be called in and made payable, until the whole shall have been so called in.

28. The Company may enforce payment of all calls and interest thereon, by action in any competent Court ; and in such action it shall not be necessary to set forth the special matter, but it shall be sufficient to declare that the defendant is a holder of one share or more, stating the number of shares and is indebted in the sum of money to which the calls in arrear amount, in respect of one call or more upon one share or more, stating the number of calls and the amount of each, whereby an action hath accrued to the Company under this Act ; and a certificate under their seal, and purporting to be signed by any officer of the Company, to the effect that the defendant is a shareholder, that such call or calls has or have been made, and that so much is due by him and unpaid thereon, shall be received in all Courts of Law and Equity as *prima facie* evidence to that effect.

29. If, after such demand or notice as by the letters patent or by-laws of the Company may be prescribed, any call made upon any share or shares be not paid within such time as by such letters patent or by-laws may be limited in that behalf, **5** the Directors, in their discretion, by vote to that effect, reciting the facts, and duly recorded in their minutes, may summarily forfeit any shares whereon such payment is not made; and the same shall thereupon become the property of the Company, and may be disposed of as by by-laws or otherwise they shall **10** ordain.

By forfeiture of shares.

30. No share shall be transferable, until all previous calls thereon have been fully paid in, or until declared forfeited for non-payment of calls thereon.

Restriction as to transfers.

31. No shareholder being in arrear in respect of any call **15** shall be entitled to vote at any meeting of the Company.

Shareholders in arrear.

32. The Company shall cause a book or books to be kept by the Secretary, or by some other officer especially charged with that duty, wherein shall be kept recorded—

Reference book to be kept; and what to contain.

(1.) A copy of the letters patent incorporating the Company, **20** and of any supplementary letters patent for increasing or decreasing the capital stock thereof, and of all by-laws thereof;

(2.) The names, alphabetically arranged, of all persons who are or have been shareholders;

(3.) The address and calling of every such person while such **25** shareholder;

(4.) The number of shares of stock held by each shareholder;

(5.) The amounts paid in, and remaining unpaid, respectively, on the stock of each shareholder;

(6.) All transfers of stock, in their order as presented to the **30** Company for entry, with the date and other particulars of each transfer, and the date of the entry thereof; and—

(7.) The names, addresses and calling of all persons who are or have been Directors of the Company; with the several dates at which each ever became or ceased to be such Director.

35 33. The Directors may refuse to allow the entry, into any such book, of any transfer of stock whereof the whole amount has not been paid in; and whenever entry is made, into such book, of any transfer of stock not fully paid in, to a person not being of apparently sufficient means, the Directors, jointly and **40** severally, shall be liable to the creditors of the Company, in the same manner and to the same extent as the transferring shareholder, but for such entry, would have been; but if any Director present when such entry is allowed do forthwith, or if any Director then absent, do within twenty-four hours after he **45** shall have become aware thereof and able so to do, enter on the minute book of the Board of Directors, his protest against the same, and do within eight days thereafter publish such protest in at least one newspaper published at, or as near as may be possible to, the office or chief place of business of the Company,

Liabilities of Directors as regards transfers in certain cases.

such Director may thereby, and not otherwise, exonerate himself from such liability.

Transfer valid only after entry.

34. No transfer of stock, unless made by sale under execution, shall be valid for any purpose whatever, save only as exhibiting the rights of the parties thereto towards each other, and as rendering the transferee liable *ad interim* jointly and severally with the transferor, to the Company and their creditors—until the entry thereof has been duly made in such book or books. 5

Stock Book to be open for inspection.

35. Such books shall, during reasonable business hours of every day, except Sundays and holidays, be kept open for the inspection of shareholders and creditors of the Company, and their personal representatives, at the office or chief place of business of the Company; and every such shareholder, creditor or representative, may make extracts therefrom. 15

Books to be *prima facie* evidence.

36. Such books shall be *prima facie* evidence of all facts purporting to be thereby stated, in any suit or proceeding against the Company or against any shareholder.

Penalty for false entries.

37. No Director, officer or servant of the Company, shall knowingly make or assist to make any untrue entry in any such book, or shall refuse or neglect to make any proper entry therein, or to exhibit the same, or to allow the same to be inspected and extracts to be taken therefrom, under the penalty of being guilty of a misdemeanor; and, any person violating the provisions of this section shall also be liable in damages for all loss or injury which any person interested may have sustained thereby. 20 25

Neglect to keep books open.

38. Every Company neglecting to keep such book or books open for inspection as aforesaid, shall forfeit its corporate rights.

Company not to be liable in respect of trusts, &c.

39. The Company shall not be bound to see to the execution of any trust, whether express, implied or constructive, in respect of any share; and the receipt of the shareholder in whose name the same may stand in the books of the Company, shall be a valid and binding discharge to the Company for any dividend or money payable in respect of such share, and whether or not notice of such trust has been given to the Company; and the Company shall not be bound to see to the application of the money paid upon such receipt. 30 35

Contracts, &c., when to be binding on company.

40. Every contract, agreement, engagement or bargain made and every bill of exchange drawn, accepted or endorsed, and every promissory note and cheque made, drawn or endorsed on behalf of the Company by any agent, officer or servant of the Company, in general accordance with his powers as such under the by-laws of the Company, shall be binding upon the Company; and in no case shall it be necessary to have the seal of the Company affixed to any such contract, agreement, engagement, bargain, bill of exchange, promissory note or cheque, or to prove that the same was made, drawn, accepted or endorsed, as the case may be, in pursuance of any by-law, or special vote or order; nor shall the party so acting as agent, officer or servant of the Company, be thereby subjected individually to any liability whatsoever to any third party therefor; Provided always, that nothing in this Act shall be construed to authorise 40 45 50

Proviso.

the Company to issue any note payable to the bearer thereof or any promissory note intended to be circulated as money, or as the note of a Bank, or to engage in the business of banking or insurance.

5 **41.** No Company shall use any of its funds in the purchase of stock in any other Corporation. Not to purchase stock in other corporations.

42. Each shareholder, until the whole amount of his stock has been paid up, shall be individually liable to the creditors of the Company, to an amount equal to that not paid up thereon, Liability of shareholders.
10 but shall not be liable to an action therefor by any creditor, before an execution against the Company has been returned unsatisfied in whole or in part; and the amount due on such execution, shall, subject to the provisions of the next section, be the amount recoverable with costs, against such shareholders.

15 **43.** The Shareholders of the Company shall not as such be held responsible for any act, default, or liability whatsoever, of the Company, or for any engagement, claim, payment, loss, injury, transaction, matter or thing whatsoever, relating to or connected with the Company, beyond the amount of their Limited to amount of stock;
20 respective shares in the capital stock thereof.

44. No person holding stock in the Company as an executor, administrator, tutor, curator, guardian or trustee, shall be personally subject to liability as a Shareholder; but the estates and funds in the hands of such person shall be liable in like Trustees, &c., not personally liable.
25 manner, and to the same extent, as the testator or intestate or the minor, ward or interdicted person, or the person interested in such trust fund, would be, if living and competent to act and holding such stock in his own name; and no person holding such stock as collateral security, shall be personally subject to
30 such liability; but the person pledging such stock shall be considered as holding the same, and shall be liable as a shareholder accordingly.

45. Every such executor, administrator, tutor, curator, guardian, or trustee, shall represent the stock in his hands, at all But entitled to vote.
35 meetings of the Company, and may vote accordingly as a shareholder; and every person who pledges his stock may nevertheless represent the same at all such meetings, and may vote accordingly as a shareholder.

46. If the Directors of the Company declare and pay any Liability of Directors declaring a dividend when Company is insolvent, &c.
40 dividend when the Company is insolvent, or any dividend the payment of which renders the Company insolvent, or diminishes the capital stock thereof, they shall be jointly and severally liable, as well as to the Company as to the individual shareholders and creditors thereof, for all the debts of the Company
45 then existing, and for all thereafter contracted during their continuance in office, respectively; but if any Director present when such dividend is declared do forthwith, or if any Director then absent do within twenty-four hours after he shall have become aware thereof and able so to do, enter on the minutes
50 of the Board of Directors his protest against the same, and within eight days thereafter publish such protest in at least one newspaper published at, or as near as may be possible to, the office or chief place of business of the Company, such

Director may thereby, and not otherwise, exonerate himself from such liability.

No loan by
Company to
shareholder.

47. No Loan shall be made by the Company to any shareholder, and if such be made, all Directors and other officers of the Company making the same, or in anywise assenting thereto, shall be jointly and severally liable to the Company for the amount of such loan—and also to third parties, to the extent of such loan, with legal interest—for all debts of the Company contracted from the time of the making of such loan to that of the repayment thereof. But this section shall not apply to a Building Society, or to a Company incorporated for the loan of money, in any manner to which the jurisdiction of this Legislature, or the meaning of this Act applies. 5 10

Limited
liability to be
expressed on
the face of
contracts.

48. The Directors of the Company shall be jointly and severally liable upon any and every written contract or undertaking of the Company on the face whereof the word "Limited" or the words "Limited Liability" are not distinctly written or printed after the name of the Company where first occurring in such contract or undertaking. 15

Liability of
Directors for
wages.

49. The Directors of the Company shall be jointly and severally liable to the labourers, servants and apprentices thereof, for all debts not exceeding one year's wages, due for services performed for the Company whilst they are such Directors respectively; but no Director shall be liable to an action therefor, unless the Company has been sued therefor within one year after the debt became due, nor yet unless such Director is sued therefor within one year from the time when he ceased to be such Director, nor yet before an execution against the Company has been returned unsatisfied in whole or in part; and the amount due on such execution shall be the amount recoverable with costs against the Directors. 20 25 30

Service of
process on the
Company.

50. Service of all manner of summons or writ whatever upon the Company, may be made by leaving a copy thereof at the office or chief place of business of the Company, with any grown person in charge thereof, or elsewhere with the President or Secretary thereof; or if the Company have no known office or chief place of business, and have no known President or Secretary, then, upon return to that fact duly made, the Court shall order such publication as it may deem requisite to be made in the premises, for at least one month, in at least one newspaper; and such publication shall be held to be due service upon the Company. 35 40

Actions
between Com-
pany and
shareholders.

51. Any description of action may be prosecuted and maintained between the Company and any Shareholder thereof.

Mode of incor-
poration, &c.,
how to be set
forth in legal
proceedings.

52. In an action or other legal proceeding, it shall not be requisite to set forth the mode of incorporation of the Company, otherwise than by mention of it under its corporate name, as incorporated by virtue of letters patent—or of letters patent and supplementary letters patent, as the case may be—under this Act; and the notice in the *Ontario Gazette*, of the issue thereof, shall be *prima facie* proof of all things thereby declared; and on production of the letters patent or supplementary letters patent themselves, or of any exemplification or copy thereof under the great seal, the fact of such notice shall be 45 50

presumed; and, save only in any proceeding by *scire facias* or otherwise, for direct impeachment thereof, the letters patent or supplementary letters patent themselves, or any exemplification or copy thereof under the great seal, shall be conclusive proof of every matter and thing therein set forth.

53. The charter of the Company shall be forfeited by non-user during three consecutive years at any one time—or if the Company do not go into actual operation within three years after it is granted: and no declaration of such forfeiture by any Act of the Legislature shall be deemed an infringement of such charter.

Forfeiture of charter for non-user.

54. The Company shall be subject to such further and other provisions as the Legislature of Ontario may hereafter deem expedient.

Future legislation.

55. The Lieutenant-Governor in Council may from time to time establish, alter, and regulate the tariff of the fees to be paid on applications for letters patent and supplementary letters patent under this Act, may designate the department or departments through which the issue thereof shall take place, and may prescribe the forms of proceeding and record in respect thereof, and all other matters requisite for carrying out the objects of this Act:

Fees on letters patent, &c., to be fixed by Order in Council.

(2.) Such fees may be made to vary in amount, under any rule or rules—as to nature of Company, amount of capital, and otherwise—that may be deemed expedient;

(3.) No step shall be taken in any Department towards the issue of any letters patent or supplementary letters patent under this Act, until after the amount of all fees therefor shall have been duly paid.

56. The Act chapter sixty-three of the Consolidated Statutes of Canada, intituled: “An Act respecting Joint Stock Companies for manufacturing, mining, mechanical, chemical or other purposes, or for the erection of public hotels or baths and bath-houses, or the opening and using of salt or mineral springs, or for carrying on fishing,”—the Act chapter thirty-one of the statutes of the late Province of Canada passed in the twenty-third year of Her Majesty’s reign, and intituled: “An Act respecting the judicial incorporation of Joint Stock Companies for certain purposes,”—and the Act chapter twenty-three of the statutes of the said late Province passed in the session held in the twenty-seventh and twenty-eighth years of Her Majesty’s reign, and intituled: “An Act to authorise the granting of charters of incorporation to manufacturing, mining, and other companies,”—and all Acts extending or amending the same, or any of them, and sections one to seven both inclusive and sections ten, eleven, twelve and thirteen of chapter sixty-seven of the Consolidated Statutes of Canada, intituled “An Act respecting Telegraph Companies,”—are hereby repealed in so far as regards the formation of incorporation hereafter, in virtue of any of the provisions thereof, of any company the incorporation of which is subject to the control of the Legislature of Ontario:

Acts repealed. Con. Stat. c. 63.

Can. 23 V., c. 31.

Can. 27-28 V., c. 23.

Part of Con. Stat. Can., c. 67.

(2.) But every such Company heretofore incorporated by virtue of any of such Acts, shall so remain, and no provision

Existing Companies to remain.

of such Acts shall, as touching any such Company, be in any-wise affected by this Act :

Pending
applications
for charters.

(3.) And every application for the incorporation of any Company, the incorporation of which is subject to the control of the Legislature of Ontario—pending at the time of the passing of this Act under the said Act passed in the twenty-third year of Her Majesty's reign, or under the said Act chapter twenty-three of the Acts passed in the session held in the twenty-seventh and twenty-eighth years of Her Majesty's reign—may be proceeded with, and incorporation by judicial decree or letters patent (as the case may be) may be obtained in virtue thereof, as though this Act had not been passed. 5 10

Winding up
Acts to apply.

57. The Company shall be subject to the provisions of any Act of this or any future Session, for the winding up of Joint Stock Companies. 15

SCHEDULE A.

Public notice is hereby given, that under the Ontario Joint Stock Companies Letters Patent Act, 1874, letters patent have been issued under the great seal of the Province of Ontario, bearing date the day of incorporating [*here state names, address and calling, of each corporator named in the letters patent*], for the purpose of [*here state the undertaking of the company, as set forth in the letters patent*], by the name of [*here state name of the company, as in the letters patent*] with a total capital stock of dollars, divided into shares of dollars each.

Dated at the office of the Provincial Secretary of Ontario, this day of

A. B.,
Provincial Secretary.

SCHEDULE B.

Public notice is hereby given, that under the Ontario Joint Stock Companies Letters Patent Act, 1874, supplementary letters patent have been this day issued under the great seal of the Province of Ontario, bearing date the day of whereby the total capital stock of [*here state the name of the company*] is increased [*or decreased, as the case may be*] from dollars to dollars.

Dated at the office of the Provincial Secretary of Ontario, this day of

A. B.
Provincial Secretary.

AMENDMENTS

To be proposed to Bill (No. 6), Respecting the incorporation of Joint Stock Companies by Letters Patent.

The following amendments, to this Bill, will be moved by the Attorney-General, in Committee.

Section 4.—Strike out all the words after “Company” in the 6th sub-section.

Section 5.—Sub-section 2, Strike out “recite the facts” in the 22nd line, and insert “*state the facts required to be,*” After the word “amount” in 24th line insert “*if any*” Strike out all after the word “applicant;” in 25th line, Strike out sub-section 3, and insert in lieu thereof, (3.) “*The petition shall also state whether such amount is paid in cash, or by transfer of property, or how otherwise.*” Strike out sub-section 4, and insert in lieu thereof, (4.) “*In case the petition is not signed by all the shareholders whose names are proposed to be inserted in the Letters Patent, it shall be accompanied by a memorandum of association, signed by all the persons whose names are to be so inserted, or by their Attorneys, lawfully authorized in writing, and such memorandum shall contain the particulars required by the next preceding sub-section.*” Strike out sub-section 5.

Section 6.—Strike out all after the word “petition” in the 5th line, and add in lieu thereof “*and that the proposed name is not the name of any other known incorporated or unincorporated Company.*”

Section 8.—Strike out “thereupon” in the 19th line.

After Section 8—Insert new Section as follows:—

8a. “In case it should be made to appear that any Company is incorporated under the same name, or under a name similar to that of an existing company it shall be lawful for the Lieutenant-Governor in Council to direct the issue of Supplementary Letters Patent reciting the former letters, and changing the name of the company to some other name to be set forth in the Supplementary Letters Patent, and no such alteration of name shall affect the rights or obligations of the Company, and all proceedings may be continued and commenced by or against the Company by its new name that might have been continued or commenced by or against the Company by its former name.”

(2.) “The Court of Chancery may compel an application under this section whenever a Company improperly assumes the name of or a name similar to that of an existing Company.”

After Section 9.—Insert new section as follows: “*The Directors of the Company, if they see fit at any time, may make a by-law sub-dividing the existing shares into shares of smaller amount.*”

Section 10.—Strike out “alloted and” in 36th line, and insert in lieu thereof “*taken up and fifty per cent. thereon.*”

Section 12.—Insert after the word “Company,” in the 2nd line, “*or sub-dividing the shares.*” Add as sub-section to section 12 as follows: (2.) “*The liability of shareholders to persons, who were, at the time of the reduction of the capital, creditors of the Company, shall remain as though the capital had not been decreased.*”

Section 13.—Sub-section 2, after word “and” in 15th line, insert, “*if the petition is, in respect of increase or decrease of capital,*” and add at end of the sub-section, “*and that notice of the application for supplementary Letters Patent has been inserted for one month in the Ontario Gazette.*”

Section 14.—After “Patent” in the 27th line, insert “*the shares shall be sub-divided or.*”

Section 18.—Strike out all after the word “thereon.”

Section 19.—After “assembled” in 51st line, insert “*at some place within this Province.*”

Section 20.—Sub-section 5, after “Directors may,” insert “*unless the By-laws otherwise direct.*”

Section 22.—Add at end of section, “*Provided also, that no By-law for the allotment or sale of stock at any greater discount or at any less premium than what has been previously authorized at a general meeting or for the payment of the President or any director shall be valid or acted upon until the same has been confirmed at a general meeting.*”

After Section 22.—Insert new section as follows:

22a. “In case a by-law, authorizing the same, is mentioned at a general meeting duly called for considering the by-law, the directors may borrow money upon the credit of the Company and issue the bonds, debentures, or other securities of the Company, and may sell the said bonds, debentures, or other securities at such prices as may be deemed expedient or be necessary, but no such debentures shall be for a less sum than one hundred dollars.

(2.) The directors may, under the like sanction, hypothecate, mortgage or pledge the real or personal property of the Company to secure any sum or sums borrowed for the purposes thereof.”

Section 27.—Strike out all after “Company,” in the 38th line, and insert in lieu thereof “*and the residue when and as the By-laws of the Company shall direct.*”

Section 33.—Strike out all after “stock,” in the 36th line, and insert in lieu thereof, “*whereon any call has been made which has not been paid in.*”

Section 37.—Strike out all between “therein” in 22nd line, and “and” in 24th line. Strike out “also” in 25th line, and insert in lieu “*besides being punishable criminally.*”

Section 38.—In lieu of this section, (38.) *"Any director or officer refusing to permit any person entitled thereto to inspect such book or books, or make extracts therefrom, shall forfeit and pay to the party aggrieved the sum of _____, and in case the amount be not paid within seven days after the recovery of judgment, any of the Superior Courts, or a judge thereof, may direct the imprisonment of the offender for any period not exceeding _____ months, unless the amount with costs be sooner paid."*

After Section 38 insert new Section as follows :—

38a. Every Company incorporated under this Act shall on or before the 1st day of February in every year make a list in triplicate (verified as is hereinafter required) of all persons who on the 31st day of December previously were shareholders of the Company, and such list shall state the names alphabetically arranged, and the addresses and callings of all such persons, the amount of stock held by them, and the amount unpaid thereon. And shall also make out a summary verified as hereinafter required, of the state of the affairs of the company on 31st day of December preceding, and which shall contain the follow particulars :—

Firstly, The names and residences and post office addresses of the Directors, Secretary and Treasurer of the Company.

Secondly, The amount of the capital of the Company and the number of shares into which it is divided.

Thirdly, The number of shares taken from the commencement of the Company up to the 31st December preceding the date of the summary.

Fourthly, The amount of stock (if any) issued free from call; if none is so issued, this fact to be stated.

Fifthly, The amount issued subject to call.

Sixthly, The amount of calls made on each share.

Seventhly, The total amount of calls received.

Eighthly, The total amount of calls unpaid.

Ninthly, The total amount of shares forfeited.

Tenthly, The total amount of shares which have never been allotted or taken up.

Eleventhly, The total amount for which shareholders of the company are liable in respect of unpaid stock held by them.

Twelfthly, The said summary may also after giving the information hereinbefore required, give in a concise form such further information respecting the affairs of the Company as the Directors may consider expedient.

(2.) The said list and summary and every duplicate thereof required by this Act, shall be written or printed on only one side of the sheet or sheets of paper containing the same.

(3.) The said list and summary shall be verified by the affidavit of the President and Secretary, and if there be no such officers or they or either of them are or is at the proper time out of this Province, or otherwise unable to make the same, by the affidavit of the President or Secretary and one of the Directors or of two of the Directors, as the case may require, and if the President or Secretary do not make or join in the affidavit, the reason thereof shall be stated in the substituted affidavit.

(4.) One of the duplicate lists and summaries with the affidavit of verification shall be posted in the head office of the Company in Ontario, on or before the second day of February, and the

Company shall keep the same so posted until another list and summary shall be posted under the provisions of this Act, and the other two triplicate lists and summaries of verification shall be deposited with the Secretary of the Province of Ontario, on or before the eighth day of February next, after the time hereinbefore fixed for making the summary.

- (5.) If any Company makes default in complying with the provisions of this section, such Company shall incur a penalty of dollars every day during which such default continues and every Director, Manager or Secretary of the Company who shall knowingly and wilfully authorize or permit such default shall incur the like penalty.

Section 41.—Add at end, "*unless expressly authorized by the By-laws confirmed at a general meeting.*"

Section 42.—Add at end, "*Provided that any shareholders may plead by way of defence in whole or in part any set off which he could set up against the Company, except a claim for unpaid dividends or a salary or allowance as a President or director.*"

Section 43.—Insert between "the" and "amount," in the 19th line, the word "*unpaid.*"

Section 46.—Strike out "if," the first word. After "Company;" in the 39th line, strike out "declare and," and insert in lieu thereof "*shall not declare or,*" Strike out all between "thereof," in the 42nd line, and "but" in the 46th line, Strike out "such" in the 2nd line of 10th page.

Section 52.—Strike out all between "and" in the 50th line, and "the" in the 2nd line of the 11th page.

Section 54.—Add at end "*in order to secure the due management of its affairs and the protection of its shareholders and creditors.*"

After Section 56 insert new Section, as follows:—

56a. Any Company for purposes or objects within the scope of this Act, heretofore incorporated, whether under special or a general Act or in respect of which proceedings for incorporation are now being had, and under which it may hereafter become incorporated may apply for Letters Patent under this Act and the Lieutenant-Governor in Council, upon proof that notice of the application has been inserted for four weeks in the *Ontario Gazette*, may direct the issue of Letters Patent incorporating the shareholders of the said Company as a Company under this Act, and thereupon all the rights or obligations of the former Company shall be transferred to the new Company, and all proceedings may be continued and commenced by or against the new Company, that might have been continued or commenced by or against the old Company and it shall not be necessary in any such Letters Patent to set out the names of the shareholders, and after the issue of the Letters Patent the Company shall be governed in all respects by the provisions of this Act, except that the liability of the shareholders to creditors of the old Company shall remain as at the time of the issue of the Letters Patent."

Section 58.—The following Section has already been added in Committee.

58. "When a notice has been duly published according to the rules of the Legislative Assembly that an application would be made to the Legislature at its present session for an Act incorporating any Company, the incorporation whereof is sought for objects, for which incorporation is authorized by this Act, a notice of an application for incorporation under this Act shall not be necessary, and the Lieutenant-Governor in Council, upon the report of the proper Minister or officer, that proof has been furnished that the other requirements of this Act have been complied with, may grant a charter of incorporation to the said Company."

It is proposed to add the following as a subsection of Section 58.

(2) In any application under this Section, the facts required to be stated in the petition may be verified in any manner that the Provincial Secretary, or other officer charged to report thereon, may deem sufficient, and in such case, it shall not be requisite that the petition shall be signed by all the shareholders, to be named in the Letters Patent, or that the memorandum of association shall be in accordance with the requirements of the fourth subsection of Section five.

Schedule B.—Add to form of notice before "Dated" (or where-
by the capital stock of the Company of ~~shares~~
of \$ each, is sub-divided into shares of \$
each).

AMENDMENTS

To be proposed to Bill (No. 6), Respecting
the incorporation of Joint Stock Com-
panies by Letters Patent.

TORONTO :

PRINTED BY HUNTER, ROSE & Co.

No. 7.]

BILL.

[1874.

An Act to amend the law relating to the Attachment of Debts by exempting the Wages and Salaries of Mechanics and Others from liability to Attachment under the provisions thereof.

HER Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:— Preamble.

1. Debts due or accruing to a mechanic, workman, labourer, servant, clerk, or employee for, or in respect of, his wages or salary, shall not hereafter be liable to seizure or attachment, under the provisions of the Common Law Procedure Act, or of the Act passed in the thirty-second year of Her Majesty's Reign, intituled "An Act to amend the Acts respecting Division Courts," or under the provisions of any other Act relating to the attachment or garnishment of debts. Debts due to mechanics, &c., for wages, not to be attached.

2. All Acts inconsistent with this Act are hereby repealed. Inconsistent acts repealed.

BILL.

An Act to amend the Law relating to the Attachment of debts, by exempting the Wages and Salaries of Mechanics and Others from liability to Attachment, under the provisions thereof.

First Reading, 14th January, 1874.

MR. MEREDITH.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

No. 7.]

BILL.

[1874.

An Act to amend the law relating to the Attachment of Debts as respects the Wages and Salaries of Mechanics and Others.

HER Majesty by and with the advice and consent of the Preamble.
Legislative Assembly of the Province of Ontario, enacts
as follows:—

1. No debt due or accruing to a mechanic, workman, labourer, Debts due to
5 servant, clerk, or employee for, or in respect of, his wages or mechanics, &c.
salary, shall after the first day of June next, be liable to seizure for wages, not
or attachment, under the provisions of the Common Law Pro- to be attached.
cedure Act, or of the Act passed in the thirty-second year of Her
Majesty's Reign, intituled "An Act to amend the Acts respecting
10 Division Courts," or under the provisions of any other Act
relating to the attachment or garnishment of debts, unless such
debt shall exceed the sum of dollarrs, and then only to
the extent of such excess.
2. Nothing in this Act contained shall affect or impair the
15 right or remedies of any creditor whose debt has been hereto-
fore contracted or shall be contracted before the said first day
of June next.
3. All Acts inconsistent with this Act are hereby repealed. Inconsistent
acts repealed.

3rd Session, 2nd Parliament, 37 Victoria, 1874.

BILL.

An Act to amend the Law relating to the
Attachment of debt as respects the Wages
and Salaries of Mechanics and Others.

(Re-printed as Amended.)

1st Reading, 14th January, 1874.

MR. MEREDITH.

TORONTO:

Printed by HUNTER, ROSE & Co.

An Act to amend the law respecting the Administration of Estates.

HER Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

1. No order or decree shall be made for the administration of the estate of a deceased person at the suit of a creditor until after the expiration of a year from the death of the deceased unless the court or a judge shall be of the opinion that the same is being wasted, or is in danger of being wasted. Administration at the suit of a creditor not to be had till a year after death, unless in case of waste.
2. Upon probate of the will or letters of administration to the estate of any deceased person having been granted, if it shall appear that the personal estate has been exhausted in payment of debts, or that the personal estate is insufficient to pay the debts, and that the real estate or some portion thereof must be sold to pay such debts, the court of chancery, or a judge thereof upon the application of the executor or administrator, or any of the heirs-at-law, or devisees, may order a sale of the real estate or such portion thereof as may appear to be necessary to satisfy the said debts without directing the administration of the estate. In case of necessity to sell realty to satisfy debts, the court of chancery may order a sale.
- (1). Upon such application the applicant is to show the amount of personalty received and how expended. Applicant for sale to show the receipts and expenditure of personalty.
- (2). Notice of the application to be given to the persons entitled to the real estate. Notice to those entitled to the realty.
- (3). The sale to be conducted according to the usual practice of the court. Conduct of sale.
- (4). The money when paid into court to be paid out to the creditors according to the amounts of their respective claims. Payment out of court.
- (5). If any dispute shall arise as to the amount of any claim, the matter to be determined by the master without any special reference to him for that purpose. Disputes, how settled.
- (6). The court shall make a vesting order, vesting in the purchaser all the estate of the testator and intestate. Vesting order.
- (7). The administrator or executor in every such case shall advertise for claims against the estate in accordance with chapter . Advertisement for claims.

When a representative *ad litem* may be appointed.

3. The court of chancery shall have power in the administration of estates, where reasonable efforts have been made to induce the persons entitled to take out letters of administration and they have failed so to do, to appoint a personal representative *ad litem*, notwithstanding that some substantial interest to the estate may be involved in the suit, and such person shall for all purposes fully represent the estate before the court; but the court may at any time during the progress of the suit, require letters of administration to be taken out before making any further order.

5

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No. 8.

3rd Session, 2nd Parliament, 37 Victoria, 1874.

BILL.

An Act to amend the law respecting the Administration of Estates.

1st Reading, 14th Jan., 1874.

MR. BETHUNE.

TORONTO:

PRINTED BY HUNTER ROSE & Co.

An Act to amend the law of Landlord and Tenant,
and to provide for Apportionment of Rent.

HER Majesty, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows:

1. From and after the passing of this Act, all rents, annuities, Rents, &c., to
5 dividends, and other periodical payments in the nature of in- accrue from
come (whether reserved or made payable under an instrument day to day, and
in writing or otherwise), shall, like interest on money lent, be be apportion-
considered as accruing from day to day, and shall be apportion- able in respect
able in respect of time accordingly. of time.
- 10 **2.** The apportioned part of any such rent, annuity, dividend, Apportioned
or other payment shall be payable or recoverable in the case of part of rent,
a continuing rent, annuity, or other such payment when the &c., to be pay-
entire portion, of which such apportioned part shall form part, able when the
shall become due and payable, and not before; and in the case next entire por-
15 of a rent, annuity, or other such payment determined by re- tion shall have
entry, death, or otherwise when the next entire portion of the become due.
same would have been payable if the same had not so deter-
mined, and not before.
- 3.** All persons and their respective heirs, executors, adminis- Persons shall
20 trators and assigns, and also the executors, administrators and have the same
assigns, respectively, of persons whose interests determine with remedies for
their own deaths, shall have such or the same remedies at law recovering ap-
and in equity for recovering such apportioned parts as afore- portioned parts
said, when payable, (allowing proportionate parts of all just as for entire
25 allowances), as they respectively would have had for recovering portions.
such entire portions as aforesaid, if entitled thereto respectively;
Provided that persons liable to pay rents reserved out of or Proviso as to
charged on lands or other hereditaments of any tenure, and the rents reserved
30 same lands or other hereditaments, shall not be resorted to for in certain
any such apportioned part forming part of an entire or continuing cases.
rent as aforesaid specifically, but the entire or continuing rent,
including such apportioned part, shall be recovered and received
by the heir or other person, who, if the rent had not been ap-
portionable under this Act, or otherwise, would have been en-
35 titled to such entire or continuing rent, and such apportioned
part shall be recoverable from such heir or other person by the
executors or other parties entitled under this Act to the same
by action at law or suit in equity.
- 4.** In the construction of this Act, the word "rents" includes Interpretation
40 rent-service, rent-charge, and rent-seck, and all periodical pay- of terms.
ments or renderings in lieu of or in the nature of rent: the word
"annuities" includes salaries and pensions: the word "divi-

dends" includes (beside dividends strictly so called) all payments made by the name of dividend, bonus or otherwise out of the revenue of trading or other public companies, divisible between all or any of the members of such respective companies, whether such payments shall be usually made or declared at any fixed times or otherwise; and all such divisible revenue shall, for the purposes of this Act, be deemed to have accrued by equal daily increment, during and within the period for, or in respect of which the payment of the same revenue shall be declared or expressed to be made, but the said word "dividend" does not include payments in the nature of a return or reimbursement of capital.

Act not to apply to policies of assurance.

5. Nothing in this Act contained, shall render apportionable any annual sums made payable in policies of assurance of any description.

Nor where stipulation made to the contrary.

6. The provisions of this Act shall not extend to any case in which it is, or shall be, expressly stipulated that no apportionment shall take place.

No. 9.

3rd Session, 2nd Parliament, 37 Victoria, 1874.

BILL.

An Act to amend the law of Landlord and Tenant, and to provide for Apportionment of Rent.

First Reading, 14th January, 1874.

MR. BETHUNE.

TORONTO:

PRINTED BY HUNTER, ROSE & CO.

An Act to amend and consolidate the Acts relating to the Profession of Medicine and Surgery in Ontario.

WHEREAS it is expedient to amend and consolidate the Acts relating to the medical profession of Ontario; Preamble.

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

1. The Act of Parliament of the late Province of Canada, Acts 29 V. c. 34; C. S. U. C. c. 41, 24 V. c. 110; 32 V. c. 45 and all Acts amending same repealed.
 passed in the twenty-ninth year of the reign of Her Majesty, chaptered thirty-four; the Act chaptered forty-one of the Consolidated Statutes for Upper Canada; the Act passed in the twenty-fourth year of Her Majesty's reign, chaptered one hundred and ten; and the Act chaptered forty-five of the Province of Ontario, passed in the thirty-second year of Her Majesty's reign, and all Acts amending any of the said Acts are hereby repealed, and the provisions of this Act shall stand in the place of the provisions of the said Acts; but all proceedings heretofore taken and all matters and things done under the said Acts shall be valid and effectual, notwithstanding such repeal, and may be carried on and completed under this Act as effectually as they could have been under the said Acts.
2. The council and boards established, and the members thereof elected under the provisions of the Acts repealed shall be continued, and shall act until after the first election as hereinafter provided, but subject in all other respects to the provisions of this Act; and all by-laws, rules and regulations heretofore made by the said council and boards shall remain in force until repealed or modified under the provisions of this Act. Council and board previously elected continued.
3. The officers appointed under the provisions of the Act last above mentioned shall retain their respective offices and perform their respective duties under the provisions of this Act, and all books and registers heretofore kept by them in conformity with the Acts hereby repealed shall be continued in use for their respective purposes under this Act. Officers previously elected continued.
4. The repeal of the said Act, passed in the twenty-ninth year of the reign of Her Majesty Queen Victoria, chaptered thirty-four, of the late Province of Canada and also the repeal of the said Act passed in the thirty-second year of the reign of Her said Majesty, and chaptered forty-five, of the Province of Ontario, shall not have the effect of reviving the Acts repealed by them, nor of modifying or restricting in any way whatsoever the saving effect of the thirty-sixth section of the said Act, Repealed Acts not revived.

passed in the twenty-ninth year of the reign of her said Majesty, and chaptered thirty-four, of the late Province of Canada.

Title of Act. **5.** This Act may be cited as the "Ontario Medical Act."

College of Physicians and Surgeons of Ontario incorporated. **6.** The medical profession of Ontario is hereby incorporated under the name and style of "The College of Physicians and Surgeons of Ontario," and the said College of Physicians and Surgeons of Ontario shall be deemed to be and to have been from the date of its first establishment a body corporate by the name aforesaid, having perpetual succession and a common seal with a capacity to acquire, hold and dispose of chattel property and real estate for the purposes of this Act; possessing power to sue and be sued in the manner usual with such corporations, and every person registered according to the provisions of the Act passed in the twenty-ninth year of the reign of her said Majesty, and chaptered thirty-four, and the provisions of the Act, passed in the thirty-second year of the reign of her said Majesty, and chaptered forty-five, and the Acts amending the same, shall be and is hereby made a member of the said College of Physicians and Surgeons of Ontario, and every person who may be registered hereafter under the provisions of this Act shall be a member of the said College.

Council of the College of Physicians and Surgeons of Ontario. **7.** There shall be a council of the College of Physicians and Surgeons of Ontario to be appointed in the manner hereinafter provided for in this Act, and referred to in this Act as the "Council."

How composed. **8.** The council shall be composed as follows: of one member to be chosen from each of the colleges and bodies hereinafter designated, to wit: The University of Toronto, Queen's University and College of Kingston, University of Victoria College, University of Trinity College, Royal College of Physicians and Surgeons, Kingston, Toronto School of Medicine, and of every other college or body in the Province now by law authorized or which may be hereafter authorized to establish a medical faculty in connection therewith, and to grant degrees in medicine and surgery or other certificates of qualification to practise the same: Provided always, that no teacher, professor or lecturer of any the before-mentioned colleges or bodies shall hold a seat in the council except as a representative of the college or body to which he belongs:

Proviso. **2.** There shall also belong to the said council three members to be elected by the duly licensed practitioners in Homœopathy who have been registered under this Act, or under the provisions of the Act, passed in the thirty-second year of the reign of her present Majesty, and chaptered forty-five:

Additional members. **3.** The twelve members who shall be elected in the manner hereinafter provided from amongst and by the registered members of the profession other than those mentioned in the next preceding subsection shall be residents of the several territorial divisions for which they are elected.

Territorial members to reside in their divisions. **9.** All members of the council, representing the colleges or bodies in the eighth section mentioned, shall be practitioners duly registered under this Act or the before mentioned Acts.

Members of the council to be registered. **10.** Of the twelve members to be elected from amongst the registered practitioners of medicine in the Province of Ontario,

Elections, how to be conducted.

one shall be so elected from each of the territorial divisions mentioned in schedule C to this Act annexed, by the registered practitioners of medicine resident in such division, and the manner of holding such election shall, with respect to the time thereof and the taking the votes therefor, be determined by a by-law, to be passed at the next meeting of the council, and in default of such by-law being made, then the Lieutenant-Governor shall prescribe the time and manner of holding such election.

Who entitled to vote.

11. The members of the council shall be elected or appointed, as the case may be, for a period of five years, but any member may resign his appointment at any time by letter addressed to the President or Registrar of the Council; and upon the death or resignation of any member of the Council, it shall be the duty of the Registrar forthwith to notify the college or body wherein

Elected for five years.

such vacancy may occur of such death or resignation, and such college or body shall have the power to nominate another duly qualified person to fill such vacancy; or, if the vacancy be caused by the death or resignation of any member elected from the territorial division, the registrar shall forthwith cause a new

Death or resignation provided for.

election to be held in such territorial division in such manner as shall be provided for by by-law of the council, and such election shall be conducted in accordance with the by-laws and regulations of the council, but it shall be lawful for the council during such vacancy to exercise the powers hereinafter mentioned:

2. In the event of the death or resignation of any member of the council representing the practitioners of the Homœopathic system of Medicine, it shall be lawful for the remaining representatives of Homœopathy in the council to fill such vacancy by selecting from amongst the duly registered practitioners in Homœopathy a person to fill the said vacancy, caused either by death or resignation.

As to Homœopathic members of the council.

12. The first election, under this Act, for members to represent the territorial division in the council, shall take place on the second Tuesday in June, in the year of our Lord one thousand eight hundred and seventy-five, at such places in the several divisions as shall be fixed by by-law of the council, and the council shall by by-law direct the notices of said election to be given in such manner and time as may seem expedient, and shall also make by-laws and regulations appointing the returning officers, and directing the manner in which elections shall be conducted, and the expenses of the same paid for.

When election of territorial division to take place.

2. The first election, under this Act, for members to represent the duly licensed and registered practitioners in the Homœopathic system of medicine in the council shall take place on the second Tuesday in June, one thousand eight hundred and seventy-five, in such manner and at such places as shall be fixed by by-law of the Council, and in default of such by-law being made then the Lieutenant-Governor shall prescribe the terms and manner of such election;

Homœopathic elections.

3. In case of any doubt or dispute as to the legality of the election of any member of the Council, it shall be lawful for the council to hold an enquiry and decide who is the legally elected member of the council, and such person shall be and be deemed to be the member legally elected, and if such election shall be found to have been illegal the council shall have power to order a new election.

Disputed elections, how dealt with.

The first meeting of the council.

13. The said newly elected members of the council, as well as all the members of the council to be hereafter elected, shall, together with the members to be appointed by the several colleges and bodies as mentioned in section eight of this Act, hold their first meeting at such time and place as may be fixed by by-law of the council. 5

Persons entitled to vote.

14. The persons entitled to vote under this Act at any election shall be the practitioners duly registered under this Act :

Transfer to different voters' list.

2. Any member of the College of Physicians and Surgeons of Ontario may have his name transferred from one class of voters to any other class on his presenting to the registrar a certificate duly signed by the members of the board of examiners appointed by the council to examine candidates on the subjects specified in the said Act, as peculiar to each school of medicine, testifying that the member so applying to have his name so transferred has shown a sufficient knowledge of the system of medicine he desires to connect himself with, to entitle him to be admitted to the classification he desires, and being so admitted he shall be entitled to vote in that class only : Provided always that no member shall be entitled to return to the class from which he has been so transferred without the sanction of the council ; but no member shall at any time be entitled to vote in more than one class of the voters who, in accordance with the provisions of this Act, vote in the election of the members of the council ; and there shall be payable to the registrar for such transfer the same charge as is usual for the registration of an additional qualification, namely two dollars. 10 15 20 25

Where meetings of council to be held.

Meetings of council.

15. The council shall hold its first meeting under this Act in Toronto, and at such time and place as the president of the council or, in case of his absence or death, the registrar for the time being shall appoint therefor, and shall make such rules and regulations as to the times and places of subsequent meetings of the council, and the mode of summoning the same, as to them shall seem expedient : which rules and regulations shall remain in force till altered at any subsequent meeting ; and in the absence of any rule or regulation as to the summoning of future meetings of the council it shall be lawful for the president thereof or, in the event of his absence or death, for the registrar to summon the same at such time and place as to him shall seem fit, by circular letter to be mailed to each member : Provided always, that at least two weeks' notice of such meeting be given, and in the event of the absence of the president from any meeting the vice-president or, in his absence, some other member to be chosen from among the members present shall act as president, and all the acts of the council shall be decided by the majority of the members present, the whole number not being less than nine, and at all meetings the president for the time being shall have a casting vote only. 30 35 40 45

Payment to members of the council.

16. There shall be paid to the members of the council such fees for attendance, and such reasonable travelling expenses, as shall from time to time be fixed by by-law passed by the said council. 50

Appointment of officers.

17. The council shall annually appoint a president, vice-president, registrar, treasurer, and such other officers as may from time to time be necessary for the working of this Act, who shall hold office during the pleasure of the council ; and the said council shall have power to fix by by-law, or from time to time, the salary or fees to be paid to such officers, and to the board of examiners hereinafter appointed: 55

2. The council shall appoint annually from among its members an "executive committee," to take cognizance of and action upon all such matters as may be delegated to it by the council or such as may require immediate interference or attention between the adjournment of the council and its next meeting; and all such acts shall be valid only till the next ensuing meeting of the council.

Executive committee.

18. In each of the territorial divisions described in schedule C. of this Act there may be established a "Territorial Division Medical Association," which may be briefly called "The Division Association" of such division, every member of the College of Physicians and Surgeons of Ontario, resident within the said territorial division, shall be a member; and the representative in the council shall be "*ex officio*" chairman of such division association:

Territorial division medical association.

2. The said division association may from time to time submit to the council a tariff or tariffs of professional fees, suitable to their division, or to separate portions of their division; and upon the said tariff or tariffs of fees receiving the approval of the council, signified by the seal of the college and by the signature of the president thereof, being appended thereto, such tariff or tariffs shall be held to be a "scale of reasonable charges" within the meaning of section number thirty of this Act for the division or section of a division where the member making a charge resides;

Tariff of fees.

3. All prosecutions against any one acting in contravention of the provisions of this Act, shall take place in accordance with the "Summary Proceedings Act;" and all money forming part of the council funds shall be paid to the treasurer, and shall be applied to carry this Act into execution.

Prosecutions under the summary convictions Act.

Medical Registration.

19. The council shall cause to be kept by an officer appointed by them, and to be called the "Registrar," a book or register, in which shall be entered from time to time the names of all persons who have complied with the enactments hereinafter contained, and with the rules and regulations made or to be made by the council respecting the qualifications to be required from practitioners of medicine, surgery and midwifery in this Province, and those persons only whose names have been or shall hereafter be inscribed on the book or register above mentioned, shall be deemed to be qualified and licensed to practise medicine, surgery or midwifery in the Province of Ontario, except as hereinafter provided, and such book or register shall at all times be open, and subject to inspection by any duly registered practitioner in Ontario, or by any other person.

Registrar.

20. It shall be the duty of the registrar to keep his register correct, in accordance with the provisions of this Act, and the rules, orders and regulations of the council, and to erase the names of all registered persons who shall have died, and he shall from time to time make the necessary alterations in the addresses or qualifications of the persons registered under this Act, and to enable him duly to perform the duties imposed on him, it shall be lawful for him to write a letter to any registered person, addressed according to the address of such person on the register, to enquire whether he has ceased to practise, or changed his residence, and if no answer shall be returned to such letter

Duty of Registrar.

within the period of six months from the sending of such letter it shall be lawful for the Registrar to erase the name of such person from the register: Provided always, that the same shall be restored by direction of the council upon cause, duly shown to that effect, and the said Registrar shall perform such other 5 duties as shall be imposed upon him by the council.

Limit of time
as to registra-
tion.

21. Every person who possesses any one or more of the qualifications described in schedule A. to this Act, dated prior to the twenty-third day of July, one thousand eight hundred and sixty-nine, shall, on payment of a fee to be fixed by by-law of 10 the council, be entitled to be registered, on producing to the Registrar the document conferring or evidencing the qualification or each of the qualifications in respect whereof he seeks to be so registered, or upon transmitting by post to the registrar in- 15 formation of his name and address, and evidence of the qualifi- cation or qualifications in respect whereof he seeks to be regis- tered, and of the time or times at which the same was or were respectively attained: Provided also that no one registered under the Acts first above mentioned shall be liable to pay any 20 fee for being registered under this Act.

Proviso.

Examination
before regis-
tration when
necessary.

22. Every person desirous of being registered under the pro- visions of this Act, and who shall not have become possessed of any one of the qualifications in the said schedule A. mentioned before the twenty-third day of July, one thousand eight hun- 25 dred and sixty-nine, shall, before being entitled to registration, present himself for examination as to his knowledge and skill for the efficient practice of his profession, before the board of examiners, in the next section mentioned, and upon passing the examination required, and proving to the satisfaction of the board of examiners that he has complied with the rules and 30 regulations made by the council; and on the payment of such fees as the council may determine, such person shall be entitled to be registered, and in virtue of such registration to practise medicine, surgery and midwifery in the Province of Ontario; Provided always, that when and as soon as it shall appear 35 that there has been established a "Central Examining Board," similar to that constituted by this Act, or an institution duly recognised by the Legislature of any of the Provinces forming the Dominion of Canada, other than Ontario, as the sole examin- ing body for the purpose of granting certificates of qualification, 40 and wherein the curriculum shall be equal to that established in Ontario; and the holder of such certificate shall upon due proof be entitled to registration by the council of Ontario, if the same privilege be accorded by such examining board or institution to those holding certificates in Ontario: Provided also, that it shall 45 be lawful for the council to admit to registration all such persons as are duly registered in the medical register of Great Britain, or are otherwise authorised to practise physic, surgery and midwifery in the United Kingdom of Great Britain and Ireland, as soon as it shall appear that the same 50 privilege is accorded, and upon similar terms, in the United Kingdom of Great Britain and Ireland, to members of the Col- lege of Physicians and Surgeons of Ontario:

Registration
of persons
from other
Provinces of
the Dominion.

As to registra-
tion of persons
from Great
Britain and
Ireland.

Person in
practice before
1850.

2. Any person who was actually practising medicine, surgery or midwifery, or any of them in Ontario, prior to the first of Ja- 55 nuary, one thousand eight hundred and fifty, and who shall have attended one course of lectures at any recognised medical

school, shall, upon such proof as the council may require, be entitled to registration under this Act ;

Homœopathic
in practice
before 1850.

3. Any person who was actually practising medicine, surgery or midwifery according to the principles of homœopathy or the eclectic system of medicine, before the first day of January, one thousand eight hundred and fifty, and for the last six years in Ontario, may in the discretion of the representatives of the homœopathic or eclectic system of medicine be admitted to registration under this Act ;

4. From and after the passing of this Act, each member of the college shall pay to the Registrar or to any person deputed by the Registrar to receive it, an annual fee of not less than one dollar nor more than three dollars, as may be determined in each year by by-law of the council, towards the general expenses of the college, which fee shall be payable on the first day of January in each year ; and that it shall be in the power of the council to make such arrangements as will facilitate the collection of such fee, and such fee shall be deemed to be a debt due by the member to the college, and be recoverable with costs of suit in the name of the College of Physicians and Surgeons of Ontario, in the division court where the member resides ; the fee for the year one thousand eight hundred and seventy-four is fixed at one dollar, and shall be payable to the registrar as aforesaid on or before the first day of May in the said year.

Annual assessment.

23. At the first regular meeting of the council after the passing of this Act, and at the annual meeting in each year then after, there shall be elected by the members of the said council a "Board of Examiners," whose duty it shall be to examine all candidates for registration in accordance with the by-laws, rules and regulations of the council ; such examinations to be held at Toronto or Kingston at such times and in such manner as the council shall by by-law direct.

Board of
Examiners.

24. The examining body shall be appointed by the council, and shall consist of not more than nine examiners, and that of such examiners four shall be from separate teaching bodies in Ontario : Provided always, that every candidate who shall at the time of his examination signify his wish to be registered as a homœopathic practitioner, shall not be required to pass an examination in either materia medica or therapeutics, or in the theory or practice of physic, or in surgery or midwifery, except the operative and practical parts thereof, before any examiners other than those approved of by the representatives of the council of the body, to which he shall signify his wish to belong.

How appointed.

25. The council shall from time to time as occasion may require, make orders, regulations, or by-laws for regulating the registers to be kept under this Act, and the fees to be paid for registration, and shall from time to time make rules and regulations for the guidance of the board of examiners, and may prescribe the subjects and modes of the examinations, the time and place of holding the same, and generally may make all such rules and regulations in respect of such examinations not contrary to the provisions of this Act, as they may deem expedient and necessary.

Rules for
guidance of
the Examining
Body.

26. Any person entitled to be registered under this Act, but who shall neglect or omit to be so registered, shall not be entitled to any of the rights or privileges conferred by registration

Those entitled
to register and
neglect to do
so.

under the provisions of this Act, so long as such neglect or omission continues, and he shall be liable to all the penalties imposed by this Act, or by any other Act which may now be in force against unqualified or unregistered practitioners.

Penalty on registrar for falsification.

27. If the registrar make or cause to be made any wilful falsification in any matter relating to the register, he shall incur a penalty of fifty dollars, and shall be disqualified from again holding that position. 5

Medical Education.

Additional qualification.

28. Every person registered under this Act who may have obtained any higher degree or any qualification other than the qualification in respect of which he may have been registered, shall be entitled to have such higher degree or additional qualification inserted in the register in substitution for, or in addition to, the qualification previously registered, on the payment of such fee as the council may appoint. 10 15

Registrar to be satisfied as to genuineness of documents.

29. No qualification shall be entered on the register either on the first registration or by way of addition to a registered name unless the registrar be satisfied by proper evidence that the person claiming is entitled to it, and any appeal from the decision of the registrar may be decided by the council, and any entry which shall be proved to the satisfaction of the council to have been fraudulently or incorrectly made, may be erased from the register by an order in the writing of the council: Provided always, that in the event of the registrar being dissatisfied with the evidence adduced by the person claiming to be registered, he shall have the power, subject to an appeal to the council, of refusing the said registration until the person claiming to be registered shall have furnished such evidence duly attested by oath or affirmation, before the judge of the county court of any county in Ontario. 20 25 30

Appeal to the council.

Powers of registered persons.

30. Every person who shall be registered under the provisions of this Act, shall be entitled according to his qualification or qualifications to practice medicine, surgery or midwifery, or any of them, as the case may be, in the Province of Ontario, and to demand and recover in any court of law, with full costs of suit, "reasonable charges" for professional aid, advice and visits, and the cost of any medicine or other medical or surgical appliances rendered or supplied by him to his patients. 35

Registrar to be printed and published.

31. The registrar of the council shall from time to time under the direction of the council, caused to be printed and published a correct register of the names in alphabetical order according to the surnames, with the respective residences in the form set forth in schedule B. to this Act, or to the like effect, together with the medical titles, diplomas and qualifications conferred by any college or body, with the dates thereof, of all persons appearing on the register as existing on the day of publication, and such register shall be called "The Ontario Medical Register," and a copy of such register for the time being purporting to be so printed and published as aforesaid, shall be *prima facie* evidence in all courts and before all justices of the peace and others, that the persons therein specified are registered according to the provisions of this Act, and the absence of the name of any person from such copy shall be *prima facie* evidence 40 45 50

Registrar to be "prima facie" evidence in all courts.

that such person is not registered according to the provisions of this Act: Provided always, that in the case of any person whose name does not appear in such copy, a certified copy under the hand of the registrar of the council of the entry of the name of such person on the register, shall be evidence that such person is registered under the provisions of this Act. Proviso.

32. The council shall have power and authority to appoint an examiner or examiners for the admission of all students to the matriculation or preliminary examination, and to make by-laws and regulations for determining the admission and enrolment of students: Matriculation examiners.

2. The council shall from time to time as it may deem expedient, enact by-laws as to the terms upon which it will receive the matriculation, and other certificates of colleges and other institutions not in the Province of Ontario. Council to make by-laws.

3. Any graduate or any student having matriculated in arts in any university in Her Majesty's dominions, shall not be required to pass the preliminary examination. Graduates and matriculants of universities in Her Majesty's dominions

33. The council shall have power and authority to fix and determine from time to time a curriculum of studies to be pursued by the students, and such curriculum of studies shall be observed and taught by all colleges referred to in section eight of this Act: Provided always that any change in the curriculum of studies fixed by the council shall not come into effect until one year after such change is made. Curriculum of studies. Proviso.

Penal and General Clauses.

34. Any registered medical practitioner who shall have been convicted of any felony in any court shall thereby forfeit his right to registration, and by the direction of the council his name shall be erased from the register, or in case of a person known to have been convicted of felony, who shall present himself for registration, the registrar shall have power to refuse such registration. Registered practitioner guilty of felony.

35. No person shall be entitled to recover any charge in any court of law for any medical or surgical advice, or for attendance, or for the performance of any operation, or for any medicine which he shall have prescribed or supplied, unless he is registered under this Act. Who entitled to recover pay.

36. The words "legally qualified medical practitioner," or "duly qualified medical practitioner," or any other words importing legal recognition of any person as a medical practitioner or member of the medical profession, when used in any Act or law, shall, in so far as such Act or law applies to this Province, be construed to mean a person registered under this Act. Meaning of certain words.

37. No person shall be appointed as medical officer, physician or surgeon in any branch of the public service of the Province of Ontario, or in any hospital or other charitable institution not supported wholly by voluntary contributions, unless he is registered under the provisions of this Act. Public appointments only conferred on registered persons.

38. No certificate required by any Act now in force, or that may hereafter be passed, from any physician or surgeon or medical practitioner, shall be valid unless the holder thereof is registered under this Act. Certificates by registered persons only.

ical practitioner, shall be valid unless the person signing the same shall be registered under this Act.

Penalty
for false
registration.

39. If any person shall procure or cause to be procured his registration under this Act, by means of any false or fraudulent representation or declaration, either verbally or in writing, it shall be lawful for the registrar, upon the receipt of sufficient evidence of the falsity or fraudulent character of said representation or declaration, to represent the matter to the council, and upon the written order of the president, attested by the seal of the college, to erase the name of such person from the register, and to make known the fact and cause of such erasure by notice to be published in the *Ontario Gazette*, and after such notice has appeared the person whose name has been erased as aforesaid shall cease to be a member of the College of Physicians and Surgeons of Ontario, and shall cease to enjoy any of the privileges conferred by registration under this Act at any future time, without the express sanction of the council. If any person shall wilfully procure or attempt to procure himself to be registered under this Act, by making any false or fraudulent representation or declaration, either verbally or in writing, every person so offending shall on conviction thereof before any justice of the peace incur a penalty not exceeding one hundred dollars, and every person knowingly aiding and assisting him therein shall on conviction thereof incur a penalty of not less than twenty nor more than fifty dollars for each such offence.

Penalty for
practising
without
registration.

40. It shall not be lawful for any person not registered to practise physic, surgery or midwifery in the Province of Ontario for hire, gain or hope of reward, and if any person not registered under this Act shall for hire, gain or hope of reward practise or profess to practise physic, surgery or midwifery, or advertise to give advice in physic, surgery or midwifery in the Province of Ontario, he shall upon a summary conviction thereof before any justice of the peace, for any and every such offence, pay a penalty not exceeding one hundred dollars nor less than twenty-five dollars :

Penalty for
falsely
pretending,
etc.

2. Any person who shall wilfully or falsely pretend to be a physician, doctor of medicine, surgeon, or general practitioner, or shall assume any title, addition or description other than he actually possesses and is legally entitled to, shall be liable on conviction thereof before a justice of the peace to a penalty not exceeding fifty dollars, nor less than ten dollars ;

Penalty for
using title
implying
registration.

3. Any person not registered under this Act who shall take or use any name, title, addition or description implying or calculated to lead people to infer that he is registered under this Act, or that he is recognized by law as a physician, surgeon, accoucheur, or a licentiate in medicine, surgery or midwifery, shall be liable upon a summary conviction thereof before any justice of the peace to pay any penalty not exceeding one hundred dollars, nor less than twenty-five dollars ;

The "onus
probandi"
where to be.

4. In any trial under this Act the burden of proof as to registration shall be upon the person charged : Provided always that the register for the year then current shall be *prima facie* evidence that the persons named therein are really and legally entitled to the diplomas mentioned opposite their names respectively.

Where prosecution may be brought.

5. All prosecutions under this Act may be brought or heard before any one or more of Her Majesty's justices of the peace

having jurisdiction where any such offence has been committed, and such justice or justices shall have power to award payment of costs in addition to the penalty, and in case the penalty and costs awarded by him or them be not upon conviction forthwith
 5 paid, to commit the offender to the common gaol, there to be imprisoned for any term not exceeding three months, unless the penalty and costs be sooner paid;

6. Any person convicted under this Act who shall give notice
 of appeal against the decision of the convicting justice, shall be
 10 required before being released from custody to give to said justice
 satisfactory security for the amount of the penalty, costs of
 conviction and appeal.

Notice of
 appeal how
 dealt with.

41. All penalties recoverable under this Act shall be paid to
 the convicting justice and by him paid to the registrar of the
 15 college, and shall form part of the funds thereof: any person
 may be prosecutor or complainant under this Act, and the council
 may allot such portion of the penalties recovered as may be
 expedient towards the payment of such prosecutor: Provided
 always, that every prosecution under this Act shall be commenced
 20 within one year from the date of the alleged offence; and it is
 hereby provided that it shall be lawful for the council, by an
 order signed by the president having the seal of college appended
 thereto, to stay proceedings in any prosecution under this Act
 where it may be deemed expedient.

To whom pen-
 alties paid.

SCHEDULE A.

1. License to practise physic, surgery, and midwifery, or either, within Upper Canada, granted under the Acts of Upper Canada, fifty-nine George the Third, chapter thirteen, and eight George the Fourth, chapter three, respectively.

2. License or diploma granted under the second Victoria, chapter thirty-eight, or under the Consolidated Statutes for Upper Canada, chapter forty, or any Act amending the same.

3. License or authorization to practise physic, surgery and midwifery, or either, within Lower Canada, whether granted under the Ordinance twenty-eight George the Third, chapter eight, or under the Act ten and eleven Victoria, chapter twenty-six, and the Acts amending the same, or under chapter seventy-one of the Consolidated Statutes for Lower Canada, or any Act amending the same.

4. Certificate of qualification to practise medicine, surgery and midwifery, or either, hereafter to be granted by any of the colleges or bodies named or referred to in section eight of this Act.

5. Medical or surgical degree or diploma of any university or college in Her Majesty's dominions, or of such other universities or colleges as the council may determine.

6. Certificate of registration under the Imperial Act, twenty-one and twenty-two Victoria, chapter ninety, known as the "Medical Act," or any Act amending the same.

7. Commission or warrant as physician or surgeon in Her Majesty's naval or military service.

8. Certificates of qualification to practise under any of the Acts relating to Homœopathy or the Eclectic system of medicine.

SCHEDULE B.

NAME.	Residence.	Qualifications and additions.
A. B.	Toronto, County of York	M.A., M.D., Toronto University.
C. D.	Kingston, County of Frontenac	M.A., M.D., Queen's University.
E. F.	Etobicoke, County of York	Licentiate, Medical Board.
G. H.	Toronto	do. Toronto School Medicine.

SCHEDULE C.

1. Western and St. Clair Electoral Divisions, as established previous to the Confederation of the British American Provinces, for election of Members of the Legislative Council of the late Province of Canada.

2. Malahide and Tecumseth Electoral Divisions, as established previous to the Confederation of the British American Provinces, for election of Members of the Legislative Council of the late Province of Canada.

3. Saugeen and Brock Electoral Divisions, as established previous to the Confederation of the British American Provinces, for election of Members of the Legislative Council of the late Province of Canada.

4. Gore and Thames Electoral Divisions, as established previous to the Confederation of the British American Provinces, for election of Members of the Legislative Council of the late Province of Canada.

5. Erie and Niagara Electoral Divisions, as established previous to the Confederation of the British American Provinces, for election of Members of the Legislative Council of the late Province of Canada.

6. Burlington and Home Electoral Divisions, as established previous to the Confederation of the British American Provinces, for election of Members of the Legislative Council of the late Province of Canada.

7. Midland and York Electoral Divisions, as established previous to the Confederation of the British American Provinces, for election of Members of the Legislative Council of the late Province of Canada.

8. King's and Queen's Electoral Divisions, as established previous to the Confederation of the British American Provinces, for election of Members of the Legislative Council of the late Province of Canada.

9. Newcastle and Trent Electoral Divisions, as established previous to the Confederation of the British American Provinces, for election of Members of the Legislative Council of the late Province of Canada.

10. Quinté and Cataragui Electoral Divisions, as established previous to the Confederation of the British American Provinces, for election of Members of the Legislative Council of the late Province of Canada.

11. Bathurst and Rideau Electoral Divisions, as established previous to the Confederation of the British American Provinces, for election of Members of the Legislative Council of the late Province of Canada.

12. St. Lawrence and Eastern Electoral Divisions, as established previous to the Confederation of the British American Provinces, for election of Members of the Legislative Council of the late Province of Canada.

3rd Session, 2nd Parliament, 37 Vict., 1874.

BILL.

An Act to amend and consolidate the Acts
relating to the Practice of Medicine and
Surgery in Ontario.

First Reading, 16th January, 1874.

MR. BAXTER.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act to amend and consolidate the Acts relating to the Profession of Medicine and Surgery in Ontario.

WHEREAS it is expedient to amend and consolidate the Acts relating to the medical profession of Ontario; Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

Preamble.

1. The Act of Parliament of the late Province of Canada, passed in the twenty-ninth year of the reign of Her Majesty, chaptered thirty-four; the Act chaptered forty-one of the Consolidated Statutes for Upper Canada; the Act passed in the twenty-fourth year of Her Majesty's reign, chaptered one hundred and ten; and the Act chaptered forty-five of the Province of Ontario, passed in the thirty-second year of Her Majesty's reign, and all Acts amending any of the said Acts are hereby repealed, and the provisions of this Act shall stand in the place of the provisions of the said Acts; but all proceedings heretofore taken and all matters and things done under the said Acts shall be valid and effectual, notwithstanding such repeal, and may be carried on and completed under this Act as effectually as they could have been under the said Acts.

Acts 29 V. c. 34; C. S. U. C. c. 41, 24 V. c. 110; 32 V. c. 45 and all Acts amending same repealed.
2. The council and boards established, and the members thereof elected under the provisions of the Acts repealed shall be continued, and shall act until after the first election as hereinafter provided, but subject in all other respects to the provisions of this Act; and all by-laws, rules and regulations heretofore made by the said council and boards shall remain in force until repealed or modified under the provisions of this Act.

Council and board previously elected continued.
3. The officers appointed under the provisions of the Act last above mentioned shall retain their respective offices and perform their respective duties under the provisions of this Act, and all books and registers heretofore kept by them in conformity with the Acts hereby repealed shall be continued in use for their respective purposes under this Act.

Officers previously elected continued.
4. The repeal of the said Act, passed in the twenty-ninth year of the reign of Her Majesty Queen Victoria, chaptered thirty-four, of the late Province of Canada and also the repeal of the said Act passed in the thirty-second year of the reign of Her said Majesty, and chaptered forty-five, of the Province of Ontario, shall not have the effect of reviving the Acts repealed by them, nor of modifying or restricting in any way whatsoever the saving effect of the thirty-sixth section of the said Act,

Repealed Acts not revived.

passed in the twenty-ninth year of the reign of her said Majesty, and chaptered thirty-four, of the late Province of Canada.

Title of Act. **5.** This Act may be cited as the "Ontario Medical Act."

College of
Physicians
and Surgeons
of Ontario in-
corporated.

6 The medical profession of Ontario is hereby incorporated under the name and style of "The College of Physicians and Surgeons of Ontario," and the said College of Physicians and Surgeons of Ontario shall be deemed to be and to have been from the date of its first establishment a body corporate by the name aforesaid, having perpetual succession and a common seal with a capacity to acquire, hold and dispose of chattel property and real estate for the purposes of this Act; possessing power to sue and be sued in the manner usual with such corporations, and every person registered according to the provisions of the Act passed in the twenty-ninth year of the reign of her said Majesty, and chaptered thirty-four, and the provisions of the Act, passed in the thirty-second year of the reign of her said Majesty, and chaptered forty-five, and the Acts amending the same, shall be and is hereby made a member of the said College of Physicians and Surgeons of Ontario, and every person who may be registered hereafter under the provisions of this Act shall be a member of the said College.

Council of the
College of
Physicians
and Surgeons
of Ontario.

7. There shall be a council of the College of Physicians and Surgeons of Ontario to be appointed in the manner hereinafter provided for in this Act, and referred to in this Act as the "Council."

How com-
posed.

8. The council shall be composed as follows: of one member to be chosen from each of the colleges and bodies hereinafter designated, to wit: The University of Toronto, Queen's University and College of Kingston, University of Victoria College, University of Trinity College, Royal College of Physicians and Surgeons, Kingston, Toronto School of Medicine, and of every other college or body in the Province now by law authorized or which may be hereafter authorized to establish a medical faculty in connection therewith, and to grant degree in medicine and surgery or other certificates of qualification to practise the same: Provided always, that no teacher, professor or lecturer of any the before-mentioned colleges or bodies shall hold a seat in the council except as a representative of the college or body to which he belongs:

Proviso.

Additional
members.

2. There shall also belong to the said council five members to be elected by the duly licensed practitioners in Homœopathy who have been registered under this Act, or under the provisions of the Act, passed in the thirty-second year of the reign of her present Majesty, and chaptered forty-five

Territorial
members to
reside in their
divisions.

3. The twelve members who shall be elected in the manner hereinafter provided from amongst and by the registered members of the profession other than those mentioned in the next preceding subsection shall be residents of the several territorial divisions for which they are elected.

Members of
the council to
be registered.

9. All members of the council, representing the colleges or bodies in the eighth section mentioned, shall be practitioners duly registered under this Act or the before mentioned Acts

Elections, how
to be conducted.

10. Of the twelve members to be elected from amongst the registered practitioners of medicine in the Province of Ontario,

one shall be so elected from each of the territorial divisions mentioned in schedule C to this Act annexed, by the registered practitioners of medicine resident in such division, and the manner of holding such election shall, with respect to the time thereof and the taking the votes therefor, be determined by a by-law, to be passed by the council, and in default of such by-law being made, then the Lieutenant-Governor shall prescribe the time and manner of holding such election.

11. The members of the council shall be elected or appointed, as the case may be, for a period of five years, but any member may resign his appointment at any time by letter addressed to the President or Registrar of the Council; and upon the death or resignation of any member of the Council, it shall be the duty of the Registrar forthwith to notify the college or body wherein such vacancy may occur of such death or resignation, and such college or body shall have the power to nominate another duly qualified person to fill such vacancy; or, if the vacancy be caused by the death or resignation of any member elected from the territorial division, the registrar shall forthwith cause a new election to be held in such territorial division in such manner as shall be provided for by by-law of the council, and such election shall be conducted in accordance with the by-laws and regulations of the council, but it shall be lawful for the council during such vacancy to exercise the powers hereinafter mentioned :
2. In the event of the death or resignation of any member of the council representing the practitioners of the Homœopathic or Eclectic systems of Medicine respectively, it shall be lawful for the remaining representatives of Homœopathy or the Eclectic system respectively in the council to fill such vacancy by selecting from amongst the duly registered practitioners in Homœopathy or the Eclectic system respectively a person to fill the said vacancy, caused either by death or resignation.

12. The first election, under this Act, for members to represent the territorial divisions in the council, shall take place on the second Tuesday in June, in the year of our Lord one thousand eight hundred and seventy-five, at such places in the several divisions as shall be fixed by by-law of the council, and the council shall by by-law direct the notices of said election to be given in such manner and time as may seem expedient, and shall also make by-laws and regulations appointing the returning officers, and directing the manner in which elections shall be conducted, and the expenses of the same paid for.

2. The first election, under this Act, for members to represent the duly licensed and registered practitioners in the Homœopathic system of medicine in the council shall take place on the second Tuesday in June, one thousand eight hundred and seventy-five, in such manner and at such places as shall be fixed by by-law of the Council, and in default of such by-law being made then the Lieutenant-Governor shall prescribe the terms and manner of such election ;

3. In case of any doubt or dispute as to the legality of the election of any member of the Council, it shall be lawful for the council to hold an enquiry and decide who is the legally elected member of the council, and such person shall be and be deemed to be the member legally elected, and if such election shall be found to have been illegal the council shall have power to order a new election.

The first meeting of the council.

13. The said newly elected members of the council, as well as all the members of the council to be hereafter elected, shall, together with the members to be appointed by the several colleges and bodies as mentioned in section eight of this Act, hold their first meeting at such time and place as may be fixed by by-law of the council. 5

Persons entitled to vote.

14. The persons entitled to vote under this Act at any election shall be all duly registered practitioners.

Transfer to different voters' list.

2. Any member of the College of Physicians and Surgeons of Ontario may have his name transferred from one class of voters to any other class on his presenting to the registrar a certificate duly signed by such member or members of the board of examiners appointed by the council to examine candidates on the subjects specified in the said Act, as peculiar to each school of medicine, testifying that the member so applying to have his name so transferred has shown a sufficient knowledge of the system of medicine he desires to connect himself with, to entitle him to be admitted to the classification he desires, and being so admitted he shall be entitled to vote in that class only: Provided always that no member shall be entitled to return to the class from which he has been so transferred without the sanction of the council; but no member shall at any time be entitled to vote in more than one class of the voters who, in accordance with the provisions of this Act, vote in the election of the members of the council; and there shall be payable to the registrar for such transfer the same charge as is usual for the registration of an additional qualification, namely two dollars. 10 15 20 25

Where meetings of council to be held.

Meetings of council.

15. The council shall hold its first meeting under this Act in Toronto, and at such time and place as the president of the council or, in case of his absence or death, the registrar for the time being shall appoint therefor, and shall make such rules and regulations as to the times and places of subsequent meetings of the council, and the mode of summoning the same, as to them shall seem expedient: which rules and regulations shall remain in force till altered at any subsequent meeting; and in the absence of any rule or regulation as to the summoning of future meetings of the council it shall be lawful for the president thereof or, in the event of his absence or death, for the registrar to summon the same at such time and place as to him shall seem fit, by circular letter to be mailed to each member: Provided always, that at least two weeks' notice of such meeting be given, and in the event of the absence of the president from any meeting the vice-president or, in his absence, some other member to be chosen from among the members present shall act as president, and all the acts of the council shall be decided by the majority of the members present, not being less than nine in number, and at all meetings the president for the time being shall have a casting vote only. 30 35 40 45

Payment to members of the council.

16. There shall be paid to the members of the council such fees for attendance, and such reasonable travelling expenses, as shall from time to time be fixed by by-law passed by the said council. 50

Appointment of officers.

17. The council shall annually appoint a president, vice-president, registrar, treasurer, and such other officers as may from time to time be necessary for the working of this Act, who shall hold office during the pleasure of the council; and the said council shall have power to fix by by-law, or from time to time, the salary or fees to be paid to such officers, and to the board of examiners hereinafter appointed: 55

2. The council shall appoint annually from among its members an "executive committee," to take cognizance of and action upon all such matters as may be delegated to it by the council or such as may require immediate interference or attention between the adjournment of the council and its next meeting; and all such acts shall be valid only till the next ensuing meeting of the council: Provided that such committee shall have no power to alter, repeal or suspend any by-law of the council.

Executive committee.

10 18. In each of the territorial divisions described in schedule C. of this Act there may be established a "Territorial Division Medical Association," which may be briefly called "The Division Association" of such division, every member of the College of Physicians and Surgeons of Ontario, resident within the said territorial division, shall be a member; and the representative in the council shall be "*ex officio*" chairman of such division association:

Territorial division medical association

2. The said division association may from time to time submit to the council a tariff or tariffs of professional fees, suitable to their division, or to separate portions of their division; and upon the said tariff or tariffs of fees receiving the approval of the council, signified by the seal of the college and by the signature of the president thereof, being appended thereto, such tariff or tariffs shall be held to be a "scale of reasonable charges" within the meaning of section number thirty of this Act for the division or section of a division where the member making a the charge resides;

Tariff of fees.

Medical Registration.

19. The council shall cause to be kept by an officer appointed by them, and to be called the "Registrar," a book or register, in which shall be entered the name of every person registered according to the provisions of the Act passed in the twenty-ninth year of the reign of her said Majesty, and chaptered thirty-four, and the provisions of the Act, passed in the thirty-second year of the reign of her said Majesty, and chaptered forty-five, and the Acts amending the same, and from time to time the names of all persons who have complied with the enactments hereinafter contained, and with the rules and regulations made or to be made by the council respecting the qualifications to be required from practitioners of medicine, surgery and midwifery in this Province, and those persons only whose names have been or shall hereafter be inscribed on the book or register above mentioned, shall be deemed to be qualified and licensed to practise medicine, surgery or midwifery in the Province of Ontario, except as hereinafter provided, and such book or register shall at all times be open, and subject to inspection by any duly registered practitioner in Ontario, or by any other person.

Registration.

20. It shall be the duty of the registrar to keep his register correct, in accordance with the provisions of this Act, and the rules, orders and regulations of the council, and he shall from time to time make the necessary alterations in the addresses or qualifications of the persons registered under this Act, and the said Registrar shall perform such other duties as shall be imposed upon him by the council.

Duty of Registrar

Limit of time
as to registra-
tion.

21. Every person who possesses any one or more of the qualifications described in schedule A. to this Act, dated prior to the twenty-third day of July, one thousand eight hundred and seventy, shall, on payment of a fee to be fixed by by-law of the council, not exceeding ten dollars, be entitled to be registered, on producing to the Registrar the document conferring or evidencing the qualification or each of the qualifications in respect whereof he seeks to be so registered, or upon transmitting by post to the registrar information of his name and address, and evidence of the qualification or qualifications in respect whereof he seeks to be registered, and of the time or times at which the same was or were respectively attained: Provided also that no one registered under the Acts first above mentioned shall be liable to pay any fee for being registered under this Act.

Proviso

Examination
before regis-
tration when
necessary.

22. Every person desirous of being registered under the provisions of this Act, and who shall not have become possessed of any one of the qualifications in the said schedule A. mentioned before the twenty-third day of July, one thousand eight hundred and seventy, shall, before being entitled to registration, present himself for examination as to his knowledge and skill for the efficient practice of his profession, before the board of examiners, in the next section mentioned, and upon passing the examination required, and proving to the satisfaction of the board of examiners that he has complied with the rules and regulations made by the council; and on the payment of such fees as the council may by general by-law establish, such person shall be entitled to be registered, and in virtue of such registration to practise medicine, surgery and midwifery in the Province of Ontario; Provided always, that when and as soon as it shall appear that there has been established a "Central Examining Board," similar to that constituted by this Act, or an institution duly recognised by the Legislature of any of the Provinces forming the Dominion of Canada, other than Ontario, as the sole examining body for the purpose of granting certificates of qualification, and wherein the curriculum shall be equal to that established in Ontario; and the holder of such certificate shall upon due proof be entitled to registration by the council of Ontario, if the same privilege be accorded by such examining board or institution to those holding certificates in Ontario: Provided also, that it shall be optional for the council to admit to registration all such persons as are duly registered in the medical register of Great Britain, or are otherwise authorised to practise physic, surgery and midwifery in the United Kingdom of Great Britain and Ireland, upon such terms as the council may deem expedient.

Registration
of persons
from other
Provinces of
the Dominion.

As to registra-
tion of persons
from Great
Britain and
Ireland.

Person in
practice before
1850.

2. Any person who was actually practising medicine, surgery or midwifery, or any of them in Ontario, prior to the first of January, one thousand eight hundred and fifty, and who shall have attended one course of lectures at any recognised medical school, shall, upon such proof as the council may require, be entitled to registration under this Act;

Homœopathic
in practice
before 1850.

3. Any person who was actually practising medicine, surgery or midwifery according to the principles of homœopathy or the eclectic system of medicine, before the first day of January, one thousand eight hundred and fifty, and for the last six years in Ontario, may in the discretion of the representatives of the

homœopathic or eclectic system of medicine respectively be admitted to registration under this Act ;

4. Each member of the college shall pay to the Registrar or to any person deputed by the Registrar to receive it, on or before the first day of May next, a fee of one dollar, and in any year thereafter such annual fee as may be determined by by-law of the council not less than one nor more than two dollars, towards the general expenses of the college, which last mentioned fee shall be payable on the first day of January in any year the same may be imposed, and such fee shall be deemed to be a debt due by the member to the college, and be recoverable with costs of suit in the name of the College of Physicians and Surgeons of Ontario, in the division court where the member resides.

23. At the first regular meeting of the council after the passing of this Act, and at the annual meeting in each year thereafter, there shall be elected by the members of the said council a "Board of Examiners," whose duty it shall be at least once in each year to examine all candidates for registration in accordance with the by-laws, rules and regulations of the council ; such examinations to be held at Toronto or Kingston at such times and in such manner as the council shall by by-law direct.

24. The Board of Examiners appointed under the preceding section, shall be composed as follows : One member from each of the four teaching bodies now existing in Ontario, and one from every other School of Medicine which may be hereafter organized in connection with any University or College which is empowered by law to grant medical or surgical diplomas ; and a number not exceeding five members to be chosen from among those members of the College of Physicians and Surgeons of Ontario, who are unconnected with any of the above teaching bodies : Provided always, that every candidate who shall, at the time of his examination, signify his wish to be registered as a Homœopathic or Eclectic practitioner, shall not be required to pass an examination in either Materia Medica or Therapeutics, or in the Theory or Practice of Physic, or in Surgery or Midwifery, except the operative practical parts thereof, before any examiners other than those approved of by the representatives in the council of the body to which he shall signify his wish to belong.

25. The council shall from time to time as occasion may require, make orders, regulations, or by-laws for regulating the registers to be kept under this Act, and the fees to be paid for registration, and shall from time to time make rules and regulations for the guidance of the board of examiners, and may prescribe the subjects and modes of the examinations, the time and place of holding the same, and generally may make all such rules and regulations in respect of such examinations not contrary to the provisions of this Act, as they may deem expedient and necessary.

26. Any person entitled to be registered under this Act, but who shall neglect or omit to be so registered, within six months after the passing of this Act, shall not be entitled to any of the rights or privileges conferred by registration under the provisions of this Act, so long as such neglect or omission continues, and he shall be liable to all the penalties imposed by this Act, or by any other Act which may now be in force against unqualified or unregistered practitioners.

Penalty on
registrar for
falsification.

27. If the registrar make or cause to be made any wilful falsification in any matter relating to the register, he shall incur a penalty of fifty dollars, and shall be disqualified from again holding that position.

Medical Education.

Additional
qualification.

28. Every person registered under this Act who may have 5
obtained any higher degree or any qualification other than the
qualification in respect of which he may have been registered,
shall be entitled to have such higher degree or additional qual-
ification inserted in the register in substitution for, or in addition
to, the qualification previously registered, on the payment of such 10
fee as the council may appoint.

Registrar to be
satisfied as to
genuineness of
documents.

29. No qualification shall be entered on the register either on
the first registration or by way of addition to a registered name
unless the registrar be satisfied by proper evidence that the per-
son claiming is entitled to it, and any appeal from the decision 15
of the registrar may be decided by the council, and any entry
which shall be proved to the satisfaction of the council to have
been fraudulently or incorrectly made, may be erased from the
register by an order in the writing of the council: Provided always,
that in the event of the registrar being dissatisfied with the evi- 20
dence adduced by the person claiming to be registered, he shall
have the power, subject to an appeal to the council of refusing
the said registration until the person claiming to be registered
shall have furnished such evidence duly attested by oath or affir-
mation, before the judge of the county court of any county in 25
Ontario.

Appeal to the
council.

Powers of
registered per-
sons.

30. Every person who shall be registered under the provisions
of this Act, shall be entitled according to his qualification or
qualifications to practice medicine, surgery or midwifery, or any
of them, as the case may be, in the Province of Ontario, and to 30
demand and recover in any court of law, with full costs of suit,
"reasonable charges" for professional aid, advice and visits, and
the cost of any medicine or other medical or surgical appliances
rendered or supplied by him to his patients.

Registrar to be
satisfied and
published

31. The registrar of the council shall from time to time un- 35
der the direction of the council, caused to be printed and pub-
lished a correct register of the names in alphabetical order ac-
cording to the surnames, with the respective residences in the
form set forth in schedule B to this Act, or to the like effect,
together with the medical titles, diplomas and qualifications con- 40
ferred by any college or body, with the dates thereof, of all per-
sons appearing on the register as existing on the day of publica-
tion, and such register shall be called "The Ontario Medical
Register," and a copy of such register for the time being pur-
porting to be so printed and published as aforesaid, shall be *pro* 45
ma facie evidence in all courts and before all justices of the
peace and others, that the persons therein specified are registered
according to the provisions of this Act, and the absence of the
name of any person from such copy shall be *prima facie* evidence
that such person is not registered according to the provisions of 50
this Act: Provided always, that in the case of any person whose
name does not appear in such copy, a certified copy under the
hand of the registrar of the council of the entry of the name of

Registrar to be
"prima facie"
evidence in all
courts.

such person on the register, shall be evidence that such person is registered under the provisions of this Act.

- 32.** The council shall have power and authority to appoint an-examiner or examiners for the admission of all students to the matriculation or preliminary examination, and to make by-laws and regulations for determining the admission and enrolment of students : Provided always that any change in the curriculum of studies fixed by the council shall not come into effect until one year after such change is made ;
- 10** **2.** Until a Homoeopathic Medical College shall have been established in Ontario, candidates wishing to be registered as Homoeopaths, shall pass the matriculation examination established by this Act, as the preliminary examination for all students in medicine, and shall present evidence of having spent the full
- 15** period of study required by the curriculum of the council, under the supervision of a duly registered Homoeopathic practitioner : Provided that, for a period of four years from the passing of this Act, such Homoeopathic students may pass their matriculation examination at any time prior to the passing of their
- 20** professional examination. Such candidates must also have complied with the full curriculum of studies, prescribed from time to time by the council for all medical students, but the full time of attendance upon lectures and hospitals required by the curriculum of the council may be spent in such Homoeo-
- 25** pathic Medical Colleges in the United States or Europe as shall be recognized by a majority of the Homoeopathic members of the Council, provided that in all Homoeopathic Colleges, where the winter course of lectures is of only four months duration, that certified tickets of attendance on one such course shall be
- 30** held to be equivalent to two-thirds of one six months course, as required by the council.
- 3.** The council shall from time to time as it may deem expedient, enact by laws as to the terms upon which it will receive the matriculation, and other certificates of colleges and other in-
- 35** stitutions not in the Province of Ontario.
- 4.** Any graduate or any student having matriculated in arts in any university in Her Majesty's dominions, shall not be required to pass the preliminary examination.
- 33.** The council shall have power and authority to fix and determine from time to time a curriculum of studies to be pursued by the students, and such curriculum of studies shall be observed and taught by all colleges referred to in section eight of this Act.

Matriculation
examiners.

Council to
make by-laws.

Graduates and
matriculants
of universities
in Her Majes-
ty's dominions

Curriculum of
studies.

Penal and General Clauses.

- 34.** Any registered medical practitioner who shall have been convicted of any felony in any court shall thereby forfeit his right to registration, and by the direction of the council his name shall be erased from the register, or in case of a person known to have been convicted of felony, who shall present himself for registration, the registrar shall have power to refuse such registration.

Registered
practitioner
guilty of
felony.

- 35.** No person shall be entitled to recover any charge in any court of law for any medical or surgical advice, or for attend-

Who entitled
to recover pay.

ance, or for the performance of any operation, or for any medicine which he shall have prescribed or supplied, unless he is registered under this Act.

Meaning of
certain words.

36. The words "legally qualified medical practitioner," or "duly qualified medical practitioner," or any other words importing legal recognition of any person as a medical practitioner or member of the medical profession, when used in any Act or law, shall, in so far as such Act or law applies to this Province, be construed to mean a person registered under this Act. 5

Public ap-
pointments
only conferred
on registered
persons.

37. No person shall be appointed as medical officer, physician or surgeon in any branch of the public service of the Province of Ontario, or in any hospital or other charitable institution not supported wholly by voluntary contributions, unless he is registered under the provisions of this Act. 10

Certificates by
registered
persons only.

38. No certificate required by any Act now in force, or that may hereafter be passed, from any physician or surgeon or medical practitioner, shall be valid unless the person signing the same shall be registered under this Act. 15

Penalty
for false
registration.

39. If any person shall procure or cause to be procured his registration under this Act, by means of any false or fraudulent representation or declaration, either verbally or in writing, it shall be lawful for the registrar, upon the receipt of sufficient evidence of the falsity or fraudulent character of said representation or declaration, to represent the matter to the council, and upon the written order of the president, attested by the seal of the college, to erase the name of such person from the register, and to make known the fact and cause of such erasure by notice to be published in the *Ontario Gazette*, and after such notice has appeared the person whose name has been erased as aforesaid shall cease to be a member of the College of Physicians and Surgeons of Ontario, and shall cease to enjoy any of the privileges conferred by registration under this Act at any future time, without the express sanction of the council. If any person shall wilfully procure or attempt to procure himself to be registered under this Act, by making any false or fraudulent representation or declaration, either verbally or in writing, every person so offending shall on conviction thereof before any justice of the peace incur a penalty not exceeding one hundred dollars, and every person knowingly aiding and assisting him therein shall on conviction thereof incur a penalty of not less than twenty nor more than fifty dollars for each such offence. 25 30 35 40

Penalty for
practising
without
registration.

40. It shall not be lawful for any person not registered to practise physic, surgery or midwifery in the Province of Ontario for hire, gain or hope of reward, and if any person not registered under this Act shall for hire, gain or hope of reward practise or profess to practise physic, surgery or midwifery, or advertise to give advice in physic, surgery or midwifery in the Province of Ontario, he shall upon a summary conviction thereof before any justice of the peace, for any and every such offence, pay a penalty not exceeding one hundred dollars nor less than twenty-five dollars : 45 50

Penalty for
falsely
pretending,
etc.

2. Any person who shall wilfully or falsely pretend to be a physician, doctor of medicine, surgeon, or general practitioner, or shall assume any title, addition or description other than he actually possesses and is legally entitled to, shall be liable on 55

conviction thereof before a justice of the peace to a penalty not exceeding fifty dollars, nor less than ten dollars ;

3. Any person not registered under this Act who shall take or use any name, title, addition or description implying or calculated to lead people to infer that he is registered under this Act, or that he is recognized by law as a physician, surgeon, accoucheur, or a licentiate in medicine, surgery or midwifery, shall be liable upon a summary conviction thereof before any justice of the peace to pay any penalty not exceeding one hundred dollars, nor less than twenty-five dollars ;

Penalty for using title, inferring registration.

4. In any trial under this Act the burden of proof as to registration shall be upon the person charged.

The "onus probandi" where to be.

5. All prosecutions under this Act may be brought or heard before any one or more of Her Majesty's justices of the peace having jurisdiction where any such offence has been committed, and such justice or justices shall have power to award payment of costs in addition to the penalty, and in case the penalty and costs awarded by him or them be not upon conviction forthwith paid, to commit the offender to the common gaol, there to be imprisoned for any term not exceeding one month, unless the penalty and costs be sooner paid ;

Where prosecution may be brought.

6. Any person convicted under this Act who shall give notice of appeal against the decision of the convicting justice, shall be required before being released from custody to give to said justice satisfactory security for the amount of the penalty, costs of conviction and appeal.

Notice of appeal how dealt with.

41. All penalties recoverable under this Act shall be paid to the convicting justice and by him paid to the registrar of the college, and shall form part of the funds thereof : any person may be prosecutor or complainant under this Act, and the council may allot such portion of the penalties recovered as may be expedient towards the payment of such prosecutor : Provided always, that every prosecution under this Act shall be commenced within one year from the date of the alleged offence ; and it is hereby provided that it shall be lawful for the council, by an order signed by the president having the seal of college appended thereto, to stay proceedings in any prosecution under this Act where it may be deemed expedient.

To whom penalties paid.

42. In all cases where proof of registration under this Act is required to be made, the production of a printed or other copy of the register, certified under the hand of the registrar of the council for the time being shall be sufficient evidence of all persons who are registered practitioners, in lieu of the production of the original register, and any certificate upon such printed or other copy of the register, purporting to be signed by any person in his capacity of registrar of the council under this Act shall be *prima facie* evidence that such person is such registrar without any proof of his signature or of his being in fact such registrar.

43. All prosecutions against any one acting in contravention of the provisions of this Act, shall take place in accordance with the "Summary Proceedings Act ;" and all money forming part of the council funds shall be paid to the treasurer, and may be applied to carry this Act into execution.

Prosecutions under the Act.

SCHEDULE A.

1. License to practise physic, surgery, and midwifery, or either, within Upper Canada, granted under the Acts of Upper Canada, fifty-nine George the Third, chapter thirteen, and eight George the Fourth, chapter three, respectively.

2. License or diploma granted under the second Victoria, chapter thirty-eight, or under the Consolidated Statutes for Upper Canada, chapter forty, or any Act amending the same.

3. License or authorization to practise physic, surgery and midwifery, or either, within Lower Canada, whether granted under the Ordinance twenty-eight George the Third, chapter eight, or under the Act ten and eleven Victoria, chapter twenty-six, and the Acts amending the same, or under chapter seventy-one of the Consolidated Statutes for Lower Canada, or any Act amending the same.

4. Certificate of qualification to practise medicine, surgery and midwifery, or either, hereafter to be granted by any of the colleges or bodies named or referred to in section eight of this Act.

5. Medical or surgical degree or diploma of any university or college in Her Majesty's dominions, or of such other universities or colleges as the council may determine.

6. Certificate of registration under the Imperial Act, twenty-one and twenty-two Victoria, chapter ninety, known as the "Medical Act," or any Act amending the same.

7. Commission or warrant as physician or surgeon in Her Majesty's naval or military service.

8. Certificates of qualification to practise under any of the Acts relating to Homœopathy or the Eclectic system of medicine.

SCHEDULE B.

NAME.	Residence.	Qualifications and additions.
A. B.	Toronto, County of York	M.A., M.D., Toronto University.
C. D.	Kingston, County of Frontenac	M.A., M.D., Queen's University.
E. F.	Etobicoke, County of York	Licentiate, Medical Board.
G. H.	Toronto	do. Toronto School Medicine.

SCHEDULE C.

1. Western and St. Clair Electoral Divisions, as established previous to the Confederation of the British American Provinces, for election of Members of the Legislative Council of the late Province of Canada.

2. Malahide and Tecumseth Electoral Divisions, as established previous to the Confederation of the British American Provinces, for election of Members of the Legislative Council of the late Province of Canada.

3. Saugeen and Brock Electoral Divisions, as established previous to the Confederation of the British American Provinces, for election of Members of the Legislative Council of the late Province of Canada.

4. Gore and Thames Electoral Divisions, as established previous to the Confederation of the British American Provinces, for election of Members of the Legislative Council of the late Province of Canada.

5. Erie and Niagara Electoral Divisions, as established previous to the Confederation of the British American Provinces, for election of Members of the Legislative Council of the late Province of Canada.

6. Burlington and Home Electoral Divisions, as established previous to the Confederation of the British American Provinces, for election of Members of the Legislative Council of the late Province of Canada.

7. Midland and York Electoral Divisions, as established previous to the Confederation of the British American Provinces, for election of Members of the Legislative Council of the late Province of Canada.

8. King's and Queen's Electoral Divisions, as established previous to the Confederation of the British American Provinces, for election of Members of the Legislative Council of the late Province of Canada.

9. Newcastle and Trent Electoral Divisions, as established previous to the Confederation of the British American Provinces, for election of Members of the Legislative Council of the late Province of Canada.

10. Quinté and Cataragui Electoral Divisions, as established previous to the Confederation of the British American Provinces, for election of Members of the Legislative Council of the late Province of Canada.

11. Bathurst and Rideau Electoral Divisions, as established previous to the Confederation of the British American Provinces, for election of Members of the Legislative Council of the late Province of Canada.

12. St. Lawrence and Eastern Electoral Divisions, as established previous to the Confederation of the British American Provinces, for election of Members of the Legislative Council of the late Province of Canada.

BILL.

An Act to amend and consolidate the Acts relating to the Practice of Medicine and Surgery in Ontario.

First Reading, 16th January, 1874.

Second Reading, 5th February, 1874.

(Reprinted as amended.)

MR. BAXTER.

TORONTO:

PRINTED BY HUNTER, ROSE & Co

An Act respecting the Railway Fund and the Railway Subsidy Fund.

WHEREAS the Legislature has appropriated the sum of one million nine hundred thousand dollars out of the Consolidated Revenue Fund of this Province for aiding the construction of railways, and has enacted that such sum shall form the Railway Fund, and has also appropriated the sum of one hundred thousand dollars yearly for twenty years from the passing of the Act intituled, "An Act to make further provision in aid of Railways" out of the said Consolidated Revenue Fund, and has enacted that such yearly sums shall form the Railway Subsidy Fund: And whereas for more effectually securing the object of the Legislature in establishing the said funds, it is expedient to amend certain of the provisions of the Acts relating thereto, and to make certain further provisions:

Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The aid intended by the said recited Railway Funds shall be deemed to apply to the construction of any railway of public utility or advantage, whether such railway do or do not appear to fall within the classes of railways described in the recital to the said first mentioned Act.

Railways that may be aided.

2. In addition to the authority granted by the Acts in the recital mentioned to the Lieutenant-Governor in Council to make payments out of the said funds respectively, the Lieutenant-Governor in Council may by Order in Council, subject to ratification by resolution of the Legislative Assembly (without which such Order is inoperative,) and subject to the terms and conditions of the said recited Acts, authorize payments to be made in respect of railways which have been constructed in part since the first of July, one thousand eight hundred and sixty-seven, but which, by reason of having been under contract prior to the seventh day of December, one thousand eight hundred and seventy, have hitherto been excluded from any aid from the said funds, which payments shall be at the rate of one thousand dollars per mile, when payable out of the Railway Fund, or at the yearly rate of ninety-seven dollars twenty cents per mile payable half yearly for the full period of twenty years computed from the first day of January, one thousand eight hundred and seventy-two, when payable out of the Railway Subsidy Fund.

Aid by Order in Council to Railways constructed in part since 1st July, 1867.

3. Every Order in Council made under the provisions of the said recited Acts or of this Act, and which Order is or becomes operative by the ratification of the Legislative Assembly, shall

On fulfilment of conditions of the Order, payment may be directed.

be so construed and read that upon the fulfilment of the conditions contained in such Order in Council, the Lieutenant-Governor in Council may, at his option, direct that the payment by the said Order in Council authorized may be made out of the Railway Fund, or out of the Railway Subsidy Fund, from any part of the said funds respectively which has not been exhausted by actual payments directed to be made thereout by Orders in Council; and in directing the said payment at the yearly rate of one hundred and ninety-four dollars forty cents per mile of railway payable half yearly for the full period of twenty years computed from the first day of January, one thousand eight hundred and seventy-two, such yearly payment shall be deemed and taken as equivalent to the payment in hand at the rate of two thousand dollars per mile of railway, and *vice versa*, and in the like proportion where the grant in aid per mile is greater or less than at the said rate of two thousand dollars per mile, or the said yearly rate of one hundred and ninety-four dollars forty cents per mile.

Equivalent of
yearly pay-
ment to pay-
ment in hand.

Direction to
pay.

Charge created
by the Order.

Annuling the
Order.

4. In every case where the conditions of the Order in Council in respect of the grant of aid have been fulfilled and the railway company is entitled to actual payment in hand or its equivalent yearly payments, the Lieutenant-Governor in Council may, by Order in Council, direct that such payments may be made out of the said respective Railway Funds to such railway company accordingly; and such Order in Council shall operate to charge, in favour of such railway company, the fund out of which such payment or payments is or are directed to be made, with the payment or payments thereof, and such railway company shall thereupon become entitled to payment of the said amounts at the times and in the manner mentioned in such Order in Council without any abatement.

5. In any case where an Order in Council is passed under the provisions of the said recited Acts, and is operative by the ratification of the Legislative Assembly, and has not lapsed through the non-performance or non-observance of any of the conditions in that behalf in the said order contained, the Lieutenant-Governor nevertheless upon being satisfied that there is no reasonable doubt that such railway or portion or portions thereof in respect of which the grant of aid is made will not be completed within the period mentioned in the Act incorporating such railway company and limited for the completion of such railway or of such portion or portions thereof, may, by Order in Council, declare that the said Order in Council for the grant of aid ought to become null and void in respect of the railway or portion or portions thereof so incompleted and that the said grant of aid should lapse and, upon the ratification of such Order by resolution of the Legislative Assembly, the said Order in Council for grant of aid and the said grant of aid in respect of said incompleted railway or portion or portions thereof shall be annulled and avoided accordingly.

An Act to Amend and Consolidate the Law for the
Sale of Fermented or Spirituous Liquors.

WHEREAS it is expedient to amend and consolidate the
Act passed in the thirty-second year of Her Majesty's
reign, intituled "*An Act respecting Tavern and Shop Licenses*,"
and the Act passed in the thirty-third year of the same reign,
5 amending the same, and the Act passed in the thirty-sixth year
of the same reign, intituled "*An Act to amend the Acts re-
specting Tavern and Shop Licenses*:"

Therefore Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
10 as follows:

INTERPRETATION.

1. In this Act the word "liquors" or "liquor" shall be un-
derstood to mean and comprehend all spirituous and malt liquors,
and all combinations of liquors and drinks and drinkable liquids
which are intoxicating.

Meaning of
words "li-
quors" and
"liquor."

LICENSES.

15 2. A "tavern license" shall be construed to mean a license for
selling, bartering or trafficking by retail in fermented, spirituous
or other liquors, in quantities of less than one quart, to be drunk
in the inn, ale or beer-house, or other house of public entertain-
ment in which the same liquor is sold.

Meaning of
words "tavern
license."

20 3. A "shop license" shall be construed to mean a license for
selling, bartering, or trafficking by retail in such liquors in
shops, stores, or places other than inns, ale or beer-houses, or
other houses of public entertainment, in quantities not less than
one quart, at any one time, to any one person, and at the time of
25 sale to be wholly removed and taken away, in quantities not
less than one quart at a time.

Meaning of
words "shop
license."

4. A "license by wholesale" shall be construed to mean a license
for selling, bartering, or trafficking by wholesale only in such
liquors in warehouses, stores, shops, or places other than inns,
30 ale or beer-houses, or other houses of public entertainment, in
quantities not less than five gallons in each cask or vessel, at
any one time, to be wholly removed and taken away at one time
from the same warehouse, store, shop, or other place in which
the same liquor is sold, in casks or vessels containing not less
35 than five gallons each; and in any case where such selling by
wholesale is in respect of bottled ale, porter, beer, wine or other
fermented or spirituous liquor, each such sale shall be in quan-
tities not less than one dozen bottles of at least three half-pints
each, or two dozen bottles of at least three-fourths of one pint

Meaning of
words "license
by wholesale."

Liquor in
bottles.

each, at any one time, to be wholly removed and taken away at one time from the same place of sale, in quantities not less than one dozen or two dozen such bottles (as the case may be) at a time.

ISSUE OF LICENSES.

Licenses to be on stamped paper.

5. It shall be lawful for the Lieutenant-Governor in Council 5 to direct the issue of licenses on stamped paper, written or printed, or partly written and partly printed, of the several kinds hereinbefore mentioned, which said licenses shall be signed by the Treasurer of this Province, and dated as of the first day of March in each year, and shall thence continue in force for one 10 year until the first day of March in the next ensuing year, and no longer.

Issuer of licenses to be appointed.

6. The Lieutenant-Governor may, from time to time, appoint to hold office during pleasure one fit and proper person, other than the Inspector of Licenses, in each county, city, riding or 15 municipality, to be called "Issuer of Licenses," whose duty it shall be to issue licenses for the county, city, riding or municipality for which he shall be appointed, and who shall countersign every license issued by him, and shall state thereon the date of such countersigning; and every such license shall take effect 20 in favour of the applicant therefor from the time of such countersigning, and not before.

Remuneration for services.

7. For his services in the last preceding section mentioned, the said issuer of licenses shall be entitled to retain out of the moneys received by him for licenses the sum of six per centum, 25 and the residue thereof he shall pay to the Treasurer of Ontario, in such manner as the said Treasurer shall, from time to time, direct.

Licenses, how issued.

8. Every license shall be issued by the issuer of licenses for the county, city, riding or municipality in which the tavern 30 shop, warehouse or other place to which the license is to apply shall be situate, except in the case of licenses for vessels, which may be issued by any issuer of licenses without any certificate or any of the terms, conditions or formalities required in other cases: Provided always, that all licenses shall be constantly and 35 conspicuously exposed in the warehouses, shops or in the bar-room of taverns, inns, ale-houses, beer-houses, or other places of public entertainment, and in the bar-saloon or bar-cabin of vessels, under a penalty of five dollars for every day's wilful or negligent omission so to do, to be recovered with costs from the mer- 40 chant, shopkeeper or tavern, inn, ale-house or beer-house keeper, or keeper of any other place of public entertainment, or master, captain, or owner of the vessel so making default.

Council and police commissioners may make by-laws.

9. In the respective municipalities in which the sale of intoxicating liquors and the issue of licenses therefor is not pro- 45 hibited, under the provisions of *The Temperance Act of 1864*, it shall be the duty of the council of the township, town (not having a police magistrate) and incorporated village, and of the commissioners of police in cities and towns having a police magistrate, to pass by-laws in the month of January in each 50 and every year, and which shall not be altered or repealed during the year from the first day of March following:

1. For defining the conditions and qualifications requisite for granting certificates to obtain tavern licenses for the retail, within the municipality, of spirituous, fermented or other manufactured liquors, to be drunk in the tavern, inn, ale-house, beer-house or other place of public entertainment in which the same is sold, and also licenses for the sale by retail, within the municipality, of such liquors in quantities not less than one quart in shops, or places other than taverns, inns, ale-houses, beer-houses or places of public entertainment : For granting tavern and shop license certificates.
- 10 2. For declaring the terms and conditions required to be complied with by an applicant for a tavern license, and the security to be given by him for observing the same : Terms and conditions.
3. For declaring the security to be given by an applicant for a shop license, for observing the by-laws of the municipality : Security.
- 20 4. For limiting the number of tavern and shop licenses respectively, and for defining the respective times and localities within which such limited number may be issued within the year, from the first day of March of one year till the first day of March of the next year : Number limited.
- 25 5. For declaring that in cities a number not exceeding ten persons, and in towns a number not exceeding four persons, qualified to have a tavern license, may be exempted from the necessity of having all the tavern accommodation required by law : Certain persons exempted from having accommodation.
- 30 6. For regulating the taverns and shops to be licensed ; Regulation of public houses.
7. For determining the sums to be paid to the municipality in respect of taverns and shop licenses respectively :
8. For appointing annually one or more fit and proper persons other than any issuer of licenses, possessing the same property qualifications as that required for members of the council of the municipality, to be inspector or inspectors of licenses ; and for filling any vacancy in such office. Inspectors may be appointed.
- 35 9. For fixing and defining the duties, powers and privileges of the inspector or inspectors so appointed ; the remuneration he or they shall receive ; and the security to be given for the efficient discharge of the duties of the office of inspector. and their duties and remuneration defined.
- 40 10. The clerk of every township, incorporated village and town, not having a police magistrate, and the police commissioners in every city and town having a police magistrate, shall, on or before the fifteenth day of February in each year, deliver to the issuer of licenses for the county, city, riding or municipality in which such municipality is situate, a certificate under his or their hand, stating and showing the number of tavern and shop licenses which are authorized by the by-law in that behalf to be issued for the then next ensuing year, and the respective times and localities within which such number may be issued, and any such clerk or police commissioners neglecting, omitting or refusing to deliver such certificate by the time aforesaid, shall incur a penalty of not less than forty dollars, nor more than one hundred dollars. Certificate of number of licenses issuable to be furnished to issuer. Penalty.
- 55 11. The issuer of licenses for each county, city, riding or municipality, as the case may be, shall not issue a greater number of tavern and shop licenses in any county, city, riding or municipality, than is named in such certificate or certificates, as the case may be, and only at the respective times, and for the localities within which such number may be issued. Issuer not to issue a greater number.
- 60

OBTAINING LICENSES.

Accommodation required.

12. Every tavern and inn, authorized to be licensed under the provisions of this Act, shall contain, and during the continuance of the license shall continue to contain, in addition to what may be needed for the use of the family of the tavern or inn-keeper, in cities, not less than eight bed-rooms; in towns, not less than six bed-rooms; in townships and incorporated villages, not less than four bed-rooms, together with, in every case, a suitable complement of bedding and furniture, and (except in cities and incorporated towns) there shall also be attached to the said tavern, or inn, proper stabling for at least six horses, and such tavern or inn shall form no part of, and shall not communicate by any entrance with any shop or store wherein goods or merchandize known as groceries or provisions are kept for sale.

No certificate to be granted except upon petition.

13. A certificate for a license to sell spirituous, fermented or other manufactured liquors, by retail, in any tavern, ale-house, beer-house, place of public entertainment or shop, shall not be granted to any applicant, except upon petition by the applicant to the council of the township, town, not having a police magistrate, or incorporated village, and to the commissioners of police in cities and towns having a police magistrate, as the case may be, in which the license is to have effect, praying for the same; nor until the inspector, to be appointed as aforesaid, shall have reported in writing to the police commissioners, or to the clerk of the municipal council (as the case may be), that the applicant is a fit and proper person to have a license, and has all the accommodation required by law, and every such report shall be duly filed by the police commissioners or municipal clerk respectively, and shall remain open to the inspection of any ratepayer of the municipality or of any provincial officer, and the inspector shall not report in favor of any applicant other than the true owner of the business of the tavern or shop proposed to be licensed.

Cases in which certificates may be granted.

14. It shall be the duty of the commissioners of police in cities and towns having a police magistrate, of the mayor and clerk in other towns, and reeve and clerk in townships and incorporated villages, respectively, upon application of any person requiring a tavern or shop license, if it shall appear that such applicant is the true owner of the business of such tavern or shop and has complied with the requirements of the law, and of the by-laws and regulations of the municipality made in that behalf, and is therefore entitled thereto, to grant such applicant a certificate under his or their hand, stating that he is entitled to a license for a certain time, and for a certain tavern, inn, house or place of public entertainment, or shop within the municipality to be mentioned in such certificate; and the said applicant shall forthwith take the said certificate to the issuer of licenses for the municipality within which the said license is to have effect, and, on presentation thereof to the said issuer of licenses, and payment to him of the Provincial duty thereon, the said issuer of licenses shall issue to such applicant a license: Provided always, that the said license shall be invalid, inoperative and of no effect until the said applicant shall have paid to the treasurer of the said municipality the sum also made payable therefor to the said municipality in manner in this Act provided, for the use of the said municipi-

Mode of procedure for obtaining tavern licenses.

Penalty.

pality, and shall have obtained a receipt for such payment, signed by the said treasurer, and endorsed on the said license; and it shall be the duty of the said treasurer, on payment or tender to him of the money last aforesaid and the said license, to fill up and
 5 sign such receipt: Provided always further, that it shall not be lawful to grant any certificate for a license, or any certificate whatsoever, whereby any person can obtain or procure any license for the sale of spirituous, fermented or intoxicating liquors, on the days of the exhibition of the Agricultural Association of
 10 Ontario, or of any county, electoral division, or township agricultural society exhibition, either on the grounds of such society, or within the distance of three hundred yards from such grounds

Proviso as to its being granted at certain times and places.

15 **15.** The issuer of licenses for the municipality in which the license applied for is to have effect shall issue to any applicant upon a requisition therefor signed by him, and after payment to the issuer of the Provincial duty thereon, a license for selling fermented, spirituous or other liquors by wholesale only in his warehouse, store, shop or place to be defined in said license, and situate within the said municipality, and which license shall
 20 be deemed "a license by wholesale" within the meaning and subject to the provisions of the fourth section of this Act: Provided always that the said license shall be invalid, inoperative and of no effect until the said applicant shall have further paid to the treasurer of the municipality in which the said license is intended to take effect, the sum of seventy-five dollars,
 25 for the use of such municipality, and shall have obtained a receipt for such payment signed by the said treasurer and endorsed on the said license, and it shall be the duty of the said treasurer on payment or tender to him of the money last aforesaid, and the said license to fill up and sign such receipt.

Issue of licenses by wholesale.

Proviso as to fee to treasurer of municipality.

30 **16.** Every license issued under this Act shall be a license for the purpose of the Provincial duty, as well as for the sum to be payable to the municipality therefor; and the sum paid for the license, over and above the Provincial duty, shall be applied
 35 to the use of the municipality within which is situate the tavern, inn, ale-house, beer-house, shop, warehouse, or other place in which such license is to have effect.

Licenses to be such for purposes of Provincial duty, etc.

TRANSFER OF LICENSE.

40 **17.** If any person having lawfully obtained a license under this Act, dies before the expiration of his license, or removes from the house or place in respect of which the said license applies, such person, his assigns or legal representatives may, with the consent of the issuer of licenses for the municipality in which the said license has effect (such consent to be endorsed on said license) transfer such license to any other person who, under
 45 such transfer, may exercise the rights granted by such license, subject to all the duties and obligations of the original holder thereof, until the expiration thereof, in the house or place for which such license was issued and to which it applies, but in no other house or place: Provided always, that in every
 50 case of a tavern license, the person in whose favour any such transfer is to be made, shall first produce to the said issuer of licenses a certificate similar to that mentioned in the twelfth section of this Act, and which certificate it shall be the duty of the respective official persons therein mentioned to grant: And
 55 Provided also, that such transfer shall be made within one month

Transfers of licenses.

Proviso.

Proviso.

after the death or removal of the original holder of such license, and not afterwards.

Inspector of licenses may consent to removal of tavern keeper to another house.

18. Any inspector of licenses may, in his discretion, but after resolution allowing the same of the municipal council or commissioners of police, as the case may be, having jurisdiction and subject to the approval of the issuer of licenses, endorse on any tavern or shop license permission to the holder thereof, or his assigns or legal representatives, to remove from the house to which his said license applies to another house to be described in an endorsement to be made by the said inspector on the said license, and situate within the same municipality, and possessing all the accommodation required by law; and such permission, when the approval of the said issuer is endorsed on the said license, shall authorize the holder of the said license to sell the same liquors in the house mentioned in the endorsement during the unexpired portion of the term for which the said license was granted, in the same manner, and upon the same terms and conditions; and any bond or security which such holder of a license may have given for any purpose relative to such license, shall apply to the house or place to which such removal is authorised, but such permission shall not entitle him to sell at any other than this one place.

REGULATIONS.

Tavern keepers to exhibit notice of being licensed.

19. Every person who keeps a tavern, inn, ale-house, beer-house, or other house, or place of public entertainment, in respect of which a tavern license has duly issued and is in force, shall exhibit over the door of such tavern, inn, ale-house, beer-house, or other place of public entertainment, in large letters, the words "Licensed to sell wine, beer, and other spirituous or fermented liquors," and, in default thereof, shall be liable to a penalty of five dollars besides costs.

Penalty.

Shop license not to authorize liquor sold to be consumed in the house.

20. No person having a shop license to sell by retail, shall allow any liquors sold by him, or in his possession for sale, and for the sale of which a license is required, to be consumed within his shop, or within the building which such shop forms part of, or which communicates by any entrance with such shop, either by the purchaser thereof, or by any other person not usually resident within such building, under a penalty of twenty dollars besides costs.

Penalty.

Liquor not to be consumed on premises of persons having license by wholesale.

21. No person having a license to sell by wholesale, shall allow any liquors sold by him or in his possession for sale, and for the sale or disposal of which such license is required, to be consumed within his warehouse or shop, or within any building which forms part of or is appurtenant to, or which communicates by any entrance with, any warehouse, shop or other premises wherein any article to be sold or disposed of under such license is sold by retail or wherein there is kept any broken packages of such articles.

DUTIES PAYABLE.

Fees for licenses.

22. Over and above the sum which may be imposed by municipalities, as by this Act provided, there shall be paid for each tavern license, to and for the use of Her Majesty (and

forming part of the Consolidated Revenue Fund of this Province), in cities, a duty of *fifty* dollars; in towns, of *forty* dollars; and in townships and incorporated villages, of *twenty* dollars; for vessels navigating the waters of this Province, *5* of *fifty* dollars; for each shop license, by retail, in cities of *seventy* dollars, in towns of *sixty* dollars, and in townships and incorporated villages of *twenty-five* dollars; for each license by wholesale of *seventy-five* dollars; for each tavern license in any territory not under municipal government, of *fifty* dollars; and *10* for each shop license in any such territory, of *forty* dollars: Provided, that for each tavern license mentioned in section nine, sub-section five of this Act, the Provincial duty shall be *seventy* dollars. Proviso.

23. The sum to be paid for a tavern or shop license, in addition to the Provincial duty by the last preceding section imposed, shall be such a sum as shall be fixed by by-law as aforesaid, and, including the Provincial duty, shall be, in cities, not less than *eighty* dollars for taverns and *one hundred* dollars for shops; in towns, not less than *sixty-five* dollars for taverns *20* and *eighty* dollars for shops; and in townships and incorporated villages, not less than *forty* dollars for each tavern and shop license: Provided always that for each tavern license mentioned in section nine, sub-section five, the said sum in cities shall not be less than *one hundred and forty* dollars, and in towns not *25* less than *one hundred and twenty* dollars; but no by-law by which a greater sum than *one hundred and fifty* dollars per annum is intended to be exacted for any tavern or shop license, or for leave to exercise any other calling, or to do any other thing for which a license may be required, shall have any *30* force or effect, unless the by-law, before the final passing thereof, shall have been duly approved by the electors of the municipality in the manner provided by the Municipal Act; and any by-law so passed shall not be varied or repealed, unless the varying or repealing by-law shall have been in like *35* manner submitted to and approved of by the electors of the said municipality. Sums to be paid in addition to Provincial duty.

PROHIBITIONS.

24. No person shall sell by wholesale or retail any spirituous, fermented, or other manufactured liquors within the Province of Ontario without having first obtained a license under this Act authorizing him so to do. No person shall sell liquors without license.

25. No person shall keep or have in any house, building, shop, eating-house, saloon, or house of public entertainment, or in any room or place whatsoever, any spirituous, fermented or other *45* manufactured liquors for the purpose of selling, bartering, or trading therein, unless duly licensed thereto under the provisions of this Act. Persons not to keep spirituous, etc. liquors for sale unless licensed.

26. The last two preceding sections shall not prevent any brewer, distiller, or other person duly licensed by the Government of Canada for the manufacture of fermented, spirituous, or other liquors, from keeping, having or selling any liquor manufactured by him in any building wherein such manufacture is carried on, and which building forms no part of and does not communicate by any entrance with any shop or premises *55* wherein any article authorized to be manufactured under such Two preceding sections not to apply to brewers, &c.

Nor to chemists.

license is sold by retail, or wherein is kept any broken packages of such articles: Provided that any such brewer, distiller or other person is further required to first obtain a license to sell by wholesale under this Act the liquor so manufactured by him, when sold for consumption within this Province. 5

All places where intoxicating liquors sold to be closed from seven o'clock on Saturday night till six o'clock on Monday morning.

27. The said sections numbered twenty-four and twenty-five of this Act shall not prevent any chemist or druggist duly registered as such under and by virtue of the "Pharmacy Act of 1871," from keeping, having or selling liquors for strictly medicinal purposes only. 10

Exception.

28. In all places where intoxicating liquors are, or may be, sold by wholesale or retail, no sale or other disposal of the said liquors shall take place therein, or on the premises thereof, or out of or from the same to any person or persons whomsoever, from or after the hour of seven of the clock on Saturday night till six of the clock on Monday morning thereafter, and during any further time on the said days, and any hours or other days during which, by any statute in force in this Province, or by any by-law of the municipality wherein such place or places may be situated, the same, or the bar-room or bar-rooms thereof, ought to be kept closed, save and except in cases where a requisition for medical purposes, signed by a licensed medical practitioner, or by a justice of the peace, is produced by the vendee or his agent; nor shall any such liquor be permitted or allowed to be drunk in any such places during the time prohibited by this Act for the sale of the same. 25

Sale of liquors from ships in port prohibited.

29. Where a license is issued, under this Act, to authorize the sale of liquors, upon any vessel navigating any river, lake, or water in this Province, no sale or other disposal of liquor shall take place thereon or therefrom, whilst such vessel is at any port, pier, wharf, dock, mooring, or station; and in case any such sale or other disposal of liquor shall take place, the said license shall *ipso facto* be and become forfeited, and absolutely void, and the captain or master in charge of such vessel, and the owner or person navigating the same, as well as the person actually selling or disposing of liquor contrary to this section shall be severally and respectively liable to pay to the Crown, for the public uses of this Province, the sum of one hundred dollars; and any person who may sell or dispose of any liquor contrary to the provisions of this section, shall also be liable to the same penalty and punishment therefor as are hereinafter prescribed in the thirty-seventh section of this Act. 30

PENALTIES.

Not lawful for chamberlain or treasurer to take money for certificate, until Provincial duty paid.

30. It shall not be lawful for the commissioners of police in cities or towns having a police magistrate, or any of them, nor for any member of any municipal council, nor for the clerk, treasurer, or any officer of such municipality, either directly or indirectly, to receive, take, or have any money whatsoever, for any certificate, matter or thing connected with, or relating to any license, or the sum to be therefor paid to the said municipality, or any part thereof, or to receive, take, or have any note, security or promise for the payment of any such money or any part thereof, from any person or persons whatsoever, until and after the said license shall have been issued by the issuer 45

of licenses in the manner aforesaid; and any person or persons guilty of, or concerned in, or a party to any act, matter or thing contrary to the provisions of this section, or of section fourteen of this Act, shall forfeit and pay to and for the use of Her Majesty a penalty of not less than fifty dollars, nor more than one hundred dollars, besides costs, for every such offence. Penalty.

31. Any member of a municipal corporation, or officer or other person who shall, contrary to the provisions of this Act, vote for or issue, or cause or procure to be issued, a certificate for a tavern or shop license, shall, upon conviction thereof, for each offence pay a fine of not less than forty dollars, nor more than one hundred dollars; or the offender or offenders may be imprisoned in the county gaol of the county in which the conviction takes place for a period not exceeding three calendar months. Penalty for issuing any certificate contrary to this Act.

32. If any officer of any municipal corporation shall be convicted of any offence under this Act, he shall thereby forfeit and vacate his office, and he shall be disqualified to hold any office in any municipality in this Province for two years thereafter. Forfeiture of office by municipal officer, if convicted under Act.

33. If any member of any municipal council shall be convicted of any offence under this Act, he shall thereby forfeit and vacate his seat, and shall be ineligible to be elected to or to sit or vote in any municipal council for two years thereafter; and if any such person, after the forfeiture aforesaid, shall sit or vote in any municipal council, he shall incur a penalty of forty dollars for every day he shall so sit or vote. Forfeiture of office by municipal councillor if convicted.
 Penalty.

34. For punishment of offences against section twenty-eight of this Act, a penalty for the first offence against the provisions thereof, of not less than twenty dollars with costs, or fifteen days' imprisonment with hard labour, in case of conviction, shall be recoverable from, and leviable against, the goods and chattels of the person or persons who are the proprietors in occupancy, or tenants or agents in occupancy of the said place or places, who shall be found by himself, herself, or themselves, or his, her, or their servants or agents, to have contravened the enactment in the said twenty-eighth section, or any part thereof; for the second offence, a penalty against all such of not less than forty dollars with costs, or twenty days' imprisonment with hard labour; for a third offence, a penalty against all such of not less than one hundred dollars with costs, or fifty days' imprisonment with hard labour; and for a fourth or any after offence, a penalty against all such of not less than three months' imprisonment with hard labour, in the common gaol of the county wherein such place or places may be, the number of such offences to be ascertained by the production of a certificate under the hand of the convicting justice, or by other satisfactory evidence to the justice before whom the information and complaint may be made; and it is hereby enacted, that convictions for several offences may be made under this Act, although such offences may have been committed in the same day: Provided always, that the increased penalties hereinbefore in this section imposed shall only be recoverable in the case of offences committed on different days. Penalty for contravention of sec. 28.
 proviso.

Penalty for
selling with-
out license.

35. Any person who shall sell or barter spirituous, fermented or manufactured liquors of any kind, or intoxicating liquors of any kind, without the license therefor by law required, shall, for the first offence, on conviction thereof, forfeit and pay a penalty of not less than twenty dollars besides costs, and not more than 5 fifty dollars besides costs; and for the second offence, on conviction thereof, such person shall be imprisoned in the county gaol of the county in which the offence was committed, to be kept at hard labour for a period not exceeding three calendar months; and for the third and any after offence, on conviction 10 thereof, such person shall be imprisoned in the county gaol of the county in which the offence was committed, to be kept at hard labour for a period of six calendar months; and the number of convictions may be ascertained by the production of a certificate under the hand of the convicting justice, or by other 15 satisfactory evidence.

Keepers of
disorderly
inns subject to
certain penal-
ties.

36. The mayor or police magistrate of a town or city, or the reeve of a township or village, with any one justice of the peace, or any two justices of the peace having jurisdiction in the town-ship or village, upon complaint made on oath to them, or one 20 of them respectively, of riotous or disorderly conduct in any inn, tavern, ale-house, beer-house, or other house of public entertainment, situate within their jurisdiction, may summon the keeper of the inn, tavern, ale or beer-house to answer the complaint, and may investigate the same summarily, and either dis- 25 miss the complaint with costs to be paid by the complainant, or convict the keeper of having a riotous or disorderly house, and annul his license, or suspend the same for not more than sixty days, with or without costs, as in his or their discretion may seem just; and in case the keeper of any such inn, tavern, ale 30 house, beer house, or place of public entertainment, shall be convicted under this section, and his license annulled, he shall not be eligible to obtain a license for the period of two years thereafter.

Power of
county judge
as to licenses
improperly ob-
tained.

37. The judge of the county court of the county in which 35 the municipality is situate, wherein the license complained of is intended to take effect, upon the complaint of any person that such license has been issued contrary to any of the provisions of this Act or of any by-law in force in the said municipality, or that such license being a tavern license has been issued to an 40 unfit or improper person, or to a person other than the true owner of the business, or in respect of a tavern or house which is without the accommodation required by this Act or not duly exempted from such required accommodation, or that such license has been obtained by any fraud or collusion with the 45 municipal inspector of licenses, or that such tavern or house has ceased to possess the accommodation required by law, or that the person licensed has been convicted on more than one occasion for any violation of the provisions of the twenty-eighth or thirty-eighth sections of this Act, shall summon the person to 50 whom such license issued to appear, and shall proceed to hear and determine the matter of the said complaint in a summary manner, and may upon such hearing, or in default of appearance of the person summoned, determine and adjudge that such license upon any of the causes aforesaid has been improperly obtained and 55 ought to be revoked, and thereupon shall order and adjudge that such license is and stands revoked and cancelled accord-

ingly, and thereupon such license shall be and become inoperative and of none effect, and the person to whom such license issued, shall thereafter, during the full period of two years, be disqualified from obtaining any further or other license under this Act, and the said order and adjudication of the said judge shall be final and conclusive, and shall not be the subject of appeal or revision by any court whatever, or the said judge may, in his discretion, dismiss the matter of the said complaint, with or without costs to be paid by the complainant

- 10 **38.** The judge of the county court of the county in which the municipality is situate, in which any inspector or inspectors of licenses is or are appointed, upon complaint made by any person that any such inspector is guilty of wilfully neglecting to do or observe, or of wilfully doing any act, matter or thing
 15 contrary to his duty, as such inspector, shall summon such inspector to appear, and shall proceed to hear and determine the matter of the said complaint, and upon such hearing, or in default of appearance of the said inspector being duly summoned, may determine that such inspector is guilty of the matter complained of, and ought to be removed from his said office of
 20 inspector, and shall order the same accordingly, and thereupon such person shall no longer be inspector, and the council or police commissioners as the case may be, in the said municipality, shall immediately appoint another inspector in his place,
 25 and the person so removed shall thereafter, for the full period of two years, be disqualified from being or becoming an inspector of licenses, and the said order and adjudication of the said judge shall be final and conclusive, and shall not be the subject of appeal or revision by any court whatsoever, or the
 30 said judge may, in his discretion, dismiss the matter of the said complaint, with or without costs to be paid by the complainant.

Power of county judge as to inspectors neglecting their duties.

- 39.** Any person who, having violated any of the provisions of this Act, shall compromise, compound or settle, or shall offer or
 35 attempt to compromise, compound or settle the offence with any person or persons, with the view of preventing any complaint being made in respect thereof, or if a complaint shall have been made with the view of getting rid of such complaint, or of stopping or having the same dismissed for want of prosecution, or
 40 otherwise, shall be guilty of an offence under this Act, and, on conviction thereof, shall be imprisoned at hard labour in the common gaol of the county in which the offence was committed for the period of three calendar months.

Penalty in case any person shall compromise, compound or settle a case.

- 40.** Every person who shall be concerned in, or be a party to, the compromise, composition or settlement mentioned in the
 45 next preceding section, shall be guilty of an offence under this Act, and, on conviction thereof, shall be imprisoned in the common gaol of the county in which the offence was committed, for the period of three calendar months.

Penalty for being concerned in any such compromise, etc.

- 50 **41.** No police magistrate or justice or justices of the peace, municipal council or municipal officer, shall have any power or authority to remit or compromise any penalty or punishment inflicted under this Act.

Penalties or punishments not to be remitted.

Penalty for
tampering
with a witness.

42. Any person who, on any prosecution under this Act, tampers with a witness, either before or after he or she is summoned or appears as such witness on any trial or proceeding under this Act, or by the offer of money, or by threats, or in any other way, either directly or indirectly, induces or attempts to induce any such person to absent himself or herself, or to swear falsely, shall be liable to a penalty of fifty dollars for each offence. 5

Applications
of penalties.

43. The penalties in money under this Act, or any portion of them which may be recovered, shall be paid to the convicting justice or justices in the case, and shall by him, or them, in case any officer appointed by the Lieutenant-Governor is the prosecutor or complainant, be paid to the Treasurer of Ontario, and in case such Provincial officer is not the prosecutor or complainant, then the same shall be paid to the treasurer of the municipality wherein the offence was committed; and for the recovery of the said penalties and legal costs, upon and after conviction in cases not appealable, and in cases appealable where an appeal has been perfected according to law, it shall and may be lawful for any justice or justices to issue a warrant of distress to any constable or peace officer, against the goods and chattels of the person or persons convicted, and in case no sufficient distress be found to satisfy the said conviction, then it shall and may be lawful for the said justice or justices to order that the person or persons so convicted be imprisoned in any common gaol within the county, or gaol or lock-up house, in which such conviction was made, for any period not exceeding thirty days, unless the penalty and all costs be sooner paid. 10 15 20 25

Penalties and
costs, how re-
coverable.

PROCEEDINGS AND EVIDENCE.

Prosecutions
for selling
without li-
cense to be
before two or
more justices
or police ma-
gistrate.

44. All prosecutions for the punishment of the several offences against the provisions of this Act, contained in sections numbered respectively ten, fourteen, nineteen, twenty, twenty-one, twenty-five, twenty-six, twenty-eight, twenty-nine, thirty, thirty-six, thirty-seven, forty-two, fifty-five, fifty-seven, whether the prosecution be for the recovery of a penalty or for punishment by imprisonment, shall take place before any two or more of Her Majesty's justices of the peace having jurisdiction in the municipality in which the offence is committed, or in cities and towns where there is a police magistrate, before the police magistrate, who, it is hereby declared, shall have authority to hear and determine the same in a summary manner according to the practice and procedure, and after forms contained in and appended to the Act chapter one hundred and three of the Consolidated Statutes of Canada, entitled *An Act respecting the duties of the Justices of the Peace out of Sessions in relation to summary convictions and orders*, and the Act or Acts amending the same; and on such trials and proceedings the prosecutor or complainant shall be a competent witness, and the conviction or order of the said two or more justices, or of the said police magistrate, as the case may be, shall be final and conclusive; and against such conviction or order there shall be no appeal to the court of general sessions of the peace, or to any other court, any statute, usage, custom, or law to the contrary notwithstanding; and all prosecutions under this section shall be commenced within twenty days after the commission of the offence or after the cause of action arose, and not afterwards. 30 35 40 45 50 55 60

Mode of proce-
dure.

Conviction to
be final.

Prosecutions
to be com-
menced within
twenty days.

45. All prosecutions under this Act, other than those mentioned in the next preceding section and sections thirty-four, thirty-five, and thirty-eight of this Act, whether for the recovery of a penalty or otherwise, may be brought and heard before any one or more of Her Majesty's justices of the peace in and for the county where the forfeiture took place, or the penalty was incurred, or the offence was committed or wrong done, and in cities and towns in which there is a police magistrate, before the police magistrate; and the procedure shall be that of justices out of sessions in relation to summary convictions and orders; and all prosecutions provided for under this section shall be commenced within two months after the commission of the offence or the cause of action arose, and not afterwards.

All other prosecutions may be before one or more justices or a police magistrate.

Mode of procedure.

Prosecutions to be commenced within two months.

46. Any person may be prosecutor or complainant in prosecutions under this Act; and no person shall be rendered incompetent as a witness by reason of his being interested in any portion of the penalty sought to be recovered.

Any person may be prosecutor, etc.

47. In all cases where the board of police commissioners in cities and towns having a police magistrate are authorized to make by-laws either under this or any other Act or law, they shall have power in and by such by-laws to attach penalties for the infraction thereof, to be recovered and enforced by summary proceedings before the police magistrate of such city or town for which the same may be passed, or, in his absence, before any justice of the peace having jurisdiction therein, in the manner and to the extent that by-laws of city councils might be enforced under the authority of the Municipal Institutions Act; and the convictions in such proceedings may be in the form set forth in the said Act.

By-laws by police commissioners in cities may have penalties attached thereto, etc.

48. All by-laws of such board of police commissioners shall be sufficiently authenticated by being signed by the chairman of such board, who shall pass the same; and a copy of any such by-law written or printed, and certified to be a true copy by any member of such board, shall be deemed authentic, and be received in evidence in any court of justice without proof of any such signature, unless it is specially pleaded or alleged that the signature to any such original by-law has been forged.

How such by-laws authenticated, etc.

49. Any house, shop, room, or other place in which are proved to exist a bar, counter, beer pump, kegs, jars, decanters, tumblers, glasses, or any other appliances or preparations similar to those usually found in taverns and shops where spirituous or fermented liquors are accustomed to be sold or trafficked in, shall be deemed to be a place in which spirituous, fermented, or other manufactured liquors are sold under the twenty-fifth section of this Act, unless the contrary is proved by the defendant in any prosecution; and the occupant of such house, shop, room, or other place, shall be taken conclusively to be the person who has, or keeps therein, such liquors for sale, barter or traffic therein.

Places in which the sale of liquors is presumed.

50. In cities, towns and incorporated villages, any person or persons, other than members of the family or household of the keeper of a licensed tavern or saloon, is or are found frequenting or present, or gas or other light is seen burning, in the bar-room of such tavern, or in any other room in said ta-

Persons or lights in bar-rooms at prohibited times, when so proved, to be *prima facie* evidence of illegal sale of liquor.

vern or saloon, where liquor is trafficked in, at any time during which the sale or other disposal of liquors is prohibited by any provision of this Act, any such fact, when proved, shall be deemed and taken as *prima facie* evidence that a sale or other disposal of liquors by the keeper of such tavern or other place has taken place contrary to the provisions of the twenty-eighth section of this Act; and such keeper may thereupon be convicted of an offence against said section, and shall, upon conviction, be subject to the punishment prescribed in and by the thirty-sixth section of this Act.

Liability of occupants.

51. The occupant of any house, shop, room or other place in which any sale, barter or traffic of spirituous, fermented, or manufactured liquors, or any matter, act or thing, in contravention of any of the provisions of this Act, has taken place, shall be personally liable to the penalty and punishments prescribed in the thirty-seventh section of this Act, notwithstanding such sale barter or traffic be made by some other person, who cannot be proved to have so acted under or by the directions of such occupant.

Proof of being licensed to rest on the defendant.

52. In any prosecution under this Act, whenever it appears that the defendant has done any act or been guilty of any omission in respect of which, were he not duly licensed, he would be liable to some penalty under this Act, it shall be incumbent upon the defendant to prove that he is duly licensed, and that he did the said act lawfully, and the production of a license which on its face purports to be duly issued, and which were it duly issued, would, be a lawful authority to the defendant for such act or omission, shall be *prima facie* evidence that the defendant is so entitled, and in all cases the signature to and upon any instrument purporting to be a valid license shall *prima facie* be taken to be genuine.

OFFICERS TO ENFORCE THE LAW AND THEIR DUTIES.

Appointment of officers to enforce this Act.

53. The Lieutenant-Governor may appoint one or more provincial officers, whose duty it shall be to enforce the observance of the provisions of this Act; and the council of every county, township, town not having a police magistrate, incorporated village, and the commissioners of police in each city and town having a police magistrate, shall, some time in the month of January in each year, appoint an officer or officers for the municipality, for the like purposes, and for the observance and enforcement of any by-law of the municipality, with respect to tavern and shop licenses, and shall fix and define the duties, powers and privileges of the officer or officers so appointed; the remuneration he or they shall receive, and the security to be given for the efficient discharge of the duties of the said office.

Present appointment of officers.

Duties of officers and county attorneys on receiving information of infringement of this Act.

54. Any provincial officer, or any police officer or constable, or inspector of licenses, shall be deemed to be within the provisions of this Act; and when any information is given to such officer that there is cause to suspect that some person is violating any of the provisions of this Act, it shall be the duty of such officer to make diligent enquiry into the truth of such information, and enter complaint of such violation before the proper court, without communicating the name of the person giving such information; and it shall be the duty of the county

attorney, within the county in which the offence is committed, to attend to the prosecution of all cases committed to him by the provincial officer, and also, upon payment of his proper fees and expenses by the municipality, to attend to the prosecution of all other cases.

55. Any provincial officer, police officer or constable, or inspector of licenses, may, at any time, enter into any tavern, inn, ale-house, beer-house, or other house or place of public entertainment, or into any shop, warehouse or other place wherein refreshments or liquors are sold, or reputed to be sold, whether under license or not; and any person being therein, or having charge thereof, who refuses, or after due summons fails to admit such provincial or police officer, or constable, or inspector, into the same, or offers any obstruction to his admission thereto, shall be liable to a penalty of not less than ten dollars, nor more than fifty dollars for every such offence.

Right of constables to enter taverns, etc.
Penalty.

56. It shall be the duty of every police officer, or constable, or inspector of licenses in each municipality, to see that the several provisions of this Act are duly observed, and to proceed by information and otherwise prosecute for the punishment of any offence against the provisions of this Act; and in case of wilful neglect or default in so doing in any case, such police officer, constable or inspector shall incur a penalty of ten dollars for each and every such neglect and default.

57. Any person licensed to sell wine, beer or spirituous liquors, or any keeper of any house, shop, room, or other place for the sale of liquors, who shall knowingly harbour or entertain any constable belonging to any police force, or suffer such person to abide or remain in his shop, room or other place during any part of the time appointed for his being on duty, unless for the purpose of quelling any disturbance, or restoring order or otherwise in the execution of his duty, shall, for any of the offences aforesaid, be deprived of his license.

Provisions as to harbouring constables on duty.

TERRITORIAL DISTRICTS.

58. The several provisions of this Act shall apply to the territorial and unorganized districts of this Province, and in any prosecution or proceeding thereunder the stipendiary magistrate in any such district shall possess and exercise all the powers and jurisdictions of the mayor, police magistrate, or other convicting justice or justices of the peace, under this Act; and any money penalty imposed and recovered shall be paid to the Treasurer of Ontario; and the lock-up of such district shall be deemed to be a gaol for the purpose of imprisonment under this Act; and the provisions of this Act, applicable to townships, shall apply to all municipalities organized under the Acts providing for the establishment of municipal institutions in various territorial districts.

This Act to apply to the territorial and unorganized districts.

59. The licenses to be issued for the sale of spirituous, fermented, or other manufactured liquors, in any place not within a municipality, may be issued on such conditions and under such regulations as the Lieutenant-Governor in Council may from time to time direct, subject to the provisions of this Act; and any bond which the Lieutenant-Governor in Council may

Issue of licenses for places not within a municipality.

direct to be taken from any person obtaining a license under this Act, for any such place conditional for the observance of the law, and of all regulations to be made under this section shall be valid, and may be enforced according to its tenor.

REPEALING CLAUSE.

32 V., c. 32; 33 V., c. 28, and 36 V. c. 34 repealed.

By-laws enacted under their provisions to remain in force until others are passed.

60. The several Acts in the recital hereof mentioned are hereby 5 repealed, but the repeal thereof shall not revive any Act or provision of law by them repealed, or prevent the effect of any saving clause therein, or the application of any such Acts or of any provision therein formerly in force to any transaction, matter or thing anterior to the said repeal, and to which they would 10 otherwise apply; and any by-law enacted under any of the provisions of the said recited Acts or any of them, and in force in any municipality at the time of the passing of this Act shall remain and continue in full force and effect, until another by-law having relation to the same subject matter shall be enacted 15 by the proper authority in that behalf, under the provisions of this Act.

BILL.

An Act to Amend and Consolidate the Law
for the Sale of Fermented or Spirituous
Liquors.

First Reading, 3rd February, 1874.

Hon. Mr. CROOKS.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act to Amend and Consolidate the Law for the Sale of Fermented or Spirituous Liquors.

WHEREAS it is expedient to amend and consolidate the Act passed in the thirty-second year of Her Majesty's reign, intituled "*An Act respecting Tavern and Shop Licenses*," and the Act passed in the thirty-third year of the same reign, amending the same, and the Act passed in the thirty-sixth year of the same reign, intituled "*An Act to amend the Acts respecting Tavern and Shop Licenses*:"

Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

INTERPRETATION.

1. In this Act the word "liquors" or "liquor" shall be understood to mean and comprehend all spirituous and malt liquors, and all combinations of liquors and drinks and drinkable liquids which are intoxicating.

Meaning of words "liquors" and "liquor."

LICENSES.

2. A "tavern license" shall be construed to mean a license for selling, bartering or trafficking by retail in fermented, spirituous or other liquors, in quantities of less than one quart, which may be drunk in the inn, ale or beer-house, or other house of public entertainment in which the same liquor is sold.

Meaning of words "tavern license."

3. A "shop license" shall be construed to mean a license for selling, bartering, or trafficking by retail in such liquors in shops, stores, or places other than inns, ale or beer-houses, or other houses of public entertainment, in quantities not less than three half-pints, at any one time, to any one person, and at the time of sale to be wholly removed and taken away, in quantities not less than three half-pints at a time.

Meaning of words "shop license."

4. A "license by wholesale" shall be construed to mean a license for selling, bartering, or trafficking by wholesale only in such liquors in warehouses, stores, shops, or places other than inns, ale or beer-houses, or other houses of public entertainment, in quantities not less than five gallons in each cask or vessel, at any one time, and in any case where such selling by wholesale is in respect of bottled ale, porter, beer, wine or other fermented or spirituous liquor, each such sale shall be in quantities not less than one dozen bottles of at least three half-pints each, or two dozen bottles of at least three-fourths of one pint each, at any one time.

Meaning of words "license by wholesale."

Liquor in bottles.

ISSUE OF LICENSES.

Licenses to be
on stamped
paper.

5. It shall be lawful for the Lieutenant-Governor in Council to direct the issue of licenses on stamped paper, written or printed, or partly written and partly printed, of the several kinds hereinbefore mentioned, which said licenses shall be signed by the Treasurer of this Province, and dated as of the first day of March in each year, and shall thence continue in force for one year until the first day of March in the next ensuing year, and no longer.

Issuer of
licenses to be
appointed.

6. The Lieutenant-Governor may, from time to time, appoint to hold office during pleasure one fit and proper person, other than the Inspector of Licenses, in each county, city, riding or municipality, to be called "Issuer of Licenses," whose duty it shall be to issue licenses for the county, city, riding or municipality for which he shall be appointed, and who shall countersign every license issued by him, and shall state thereon the date of such countersigning; and every such license shall take effect in favour of the applicant therefor from the time of such countersigning, and not before.

Remuneration
for services.

7. For his services in the last preceding section mentioned, the said issuer of licenses shall be entitled to retain out of the moneys received by him for licenses the sum of six per centum, and the residue thereof he shall pay to the Treasurer of Ontario, in such manner as the said Treasurer shall, from time to time, direct.

Licenses, how
issued.

Vessel licenses

Proviso.

Penalty.

8. Every license shall be issued by the issuer of licenses for the county, city, riding or municipality in which the tavern shop, warehouse or other place to which the license is to apply shall be situate, except in the case of licenses for vessels, which may be issued by any issuer of licenses without any certificate or any of the terms, conditions or formalities required in other cases: Provided always, that all licenses shall be constantly and conspicuously exposed in the warehouses, shops or in the bar-room of taverns, inns, ale-houses, beer-houses, or other places of public entertainment, and in the bar-saloon or bar-cabin of vessels, under a penalty of five dollars for every day's wilful or negligent omission so to do, to be recovered with costs from the merchant, shopkeeper or tavern, inn, ale-house or beer-house keeper, or keeper of any other place of public entertainment, or master, captain, or owner of the vessel so making default.

Council and
police commis-
sioners may
make by-laws.

9. In the respective municipalities in which the sale of intoxicating liquors and the issue of licenses therefor is not prohibited, under the provisions of *The Temperance Act of 1864*, it shall be the duty of the council of the township, town and incorporated village, and of the commissioners or police in cities to pass by-laws in the month of February in each and every year, and which shall not be altered or repealed during the year from the first day of March following:

For granting
tavern and
shop license
certificates.

1. For defining the conditions and qualifications requisite for granting certificates to obtain tavern licenses for the retail, within the municipality, of spirituous, fermented or other manufactured liquors, and also shop licenses for the sale by retail, within the municipality, of such liquors in shops, or places other than taverns, inns, ale-houses, beer-houses or places of public entertainment;

2. For declaring the terms and conditions required to be complied with by an applicant for a tavern license, and the security to be given by him for observing the same : Terms and conditions.
3. For declaring the security to be given by an applicant for a shop license, for observing the by-laws of the municipality : Security.
4. For limiting the number of tavern and shop licenses respectively, and for defining the respective times and localities within which and the persons to whom such limited number may be issued within the year, from the first day of March of one year till the first day of March of the next year : Number limited.
5. For declaring that in cities a number not exceeding ten persons, and in towns a number not exceeding four persons, qualified to have a tavern license, may be exempted from the necessity of having all the tavern accommodation required by law : Certain persons exempted from having accommodation.
6. For regulating the taverns and shops to be licensed ; Regulation of public houses.
7. For determining the sums to be paid to the municipality in respect of taverns and shop licenses respectively :
8. For appointing annually one or more fit and proper persons other than any issuer of licenses, to be inspector or inspectors of licenses ; and or filling any vacancy in such office. Inspectors may be appointed.
9. For fixing and defining the duties, powers and privileges of the inspector or inspectors so appointed ; the remuneration he or they shall receive ; and the security to be given for the efficient discharge of the duties of the office of inspector. and their duties and remuneration defined.
10. The clerk of every township, incorporated village and town, and the police commissioners in every city shall, on or before the last day of February in each year, deliver to the issuer of licenses for the county, city, riding or municipality in which such municipality is situate, a certificate under his or their hand, stating and showing the number of tavern and shop licenses which are authorized by the by-law in that behalf to be issued for the then next ensuing year, and the respective times and localities within which and the persons to whom such number may be issued, and any such clerk or police commissioners neglecting, omitting or refusing to deliver such certificate by the time aforesaid, shall incur a penalty of not less than forty dollars, nor more than one hundred dollars. Certificate of number of licenses issuable to be furnished to issuer. Penalty.
11. The issuer of licenses for each county, city, riding or municipality, as the case may be, shall not issue a greater number of tavern and shop licenses in any county, city, riding or municipality, than is named in such certificate or certificates, as the case may be, and only at the respective times, and for the localities within which and the persons to whom such number may be issued. Issuer not to issue a greater number.

OBTAINING LICENSES

12. Every tavern and inn, authorized to be licensed under the provisions of this Act, shall contain, and during the continuance of the license shall continue to contain, in addition to what may be needed for the use of the family of the tavern or inn-keeper, not less than four bed-rooms, together with, in every case, a suitable complement of bedding and furniture, and (except in cities and incorporated towns) there shall also be attached to the said tavern, or inn, proper stabling for at least six horses, but the foregoing requirements shall not apply to such taverns as are licensed under the fifth sub-section of section
- Accommodation required.

nine of this Act, and, excepting in townships, such tavern or inn shall form no part of, and shall not communicate by any entrance with any shop or store wherein goods or merchandize known as groceries or provisions are kept for sale.

No certificate to be granted except upon petition.

13. A certificate for a license to sell spirituous, fermented or other manufactured liquors, by retail, in any tavern, ale-house, beer-house, place of public entertainment or shop, shall not be granted to any applicant, except upon petition by the applicant to the council of the township, town, or incorporated village, and to the commissioners of police in cities in which the license is to have effect, praying for the same; nor until the inspector, to be appointed as aforesaid, shall have reported in writing to the police commissioners, or to the clerk of the municipal council (as the case may be), that the applicant is a fit and proper person to have a license, and has all the accommodation required by law, and every such report shall be duly filed by the police commissioners or municipal clerk respectively, and shall remain open to the inspection of any ratepayer of the municipality or of any provincial officer, and the inspector shall not report in favor of any applicant other than the true owner of the business of the tavern or shop proposed to be licensed.

Cases in which certificates may be granted.

14. It shall be the duty of the commissioners of police in cities, of the mayor and clerk in towns, and reeve and clerk in townships and incorporated villages, respectively, upon application of any person requiring a tavern or shop license, if it shall appear that such applicant is the true owner of the business of such tavern or shop and has complied with the requirements of the law, and of the by-laws and regulations in force in the municipality in that behalf, and is one of the persons designated

Mode of procedure for obtaining tavern licenses.

in such by-law as entitled thereto, or is otherwise approved by the police commissioners or council of the municipality, as the case may be, to grant such applicant a certificate under his or their hand, stating that he is entitled to a license for a certain time, and for a certain tavern, inn, house or place of public entertainment, or shop within the municipality to be mentioned

Penalty.

in such certificate; and the said applicant shall forthwith take the said certificate to the issuer of licenses for the municipality within which the said license is to have effect, and, on presentation thereof to the said issuer of licenses, and payment to him of the Provincial duty thereon, the said issuer of licenses shall issue to such applicant a license: Provided always, that the said license shall be invalid, inoperative and of no effect until the said applicant shall have paid to the treasurer of the said municipality the sum also made payable therefor to the said municipality in manner in this Act provided, for the use of the said municipality, and shall have obtained a receipt for such payment, signed by the said treasurer, and endorsed on the said license; and it shall be the duty of the said treasurer, on payment or tender to him of the money last aforesaid and the said license, to fill up and sign such receipt: Provided always further, that it shall not be lawful to grant any certificate for a license, or any certificate whatsoever, whereby any person can obtain or procure any license for the sale of spirituous, fermented or intoxicating liquors, on the days of the exhibition of the Agricultural Association of Ontario, or of any county, electoral division, or township agricultural society exhibition, either on the grounds of such society, or within the distance of three hundred yards from such grounds.

Proviso as to its being granted at certain times and places.

15. The issuer of licenses for the municipality in which the license applied for is to have effect shall issue to any applicant upon a requisition therefor signed by him, and after payment to the issuer of the Provincial duty thereon, a license for selling
 5 fermented, spirituous or other liquors by wholesale only in his warehouse, store, shop or place to be defined in said license, and situate within the said municipality, and which license shall be deemed "a license by wholesale" within the meaning and subject to the provisions of the fourth section of this Act: Pro-
 10 vided always that the said license shall be invalid, inoperative and of no effect until the said applicant shall have further paid to the treasurer of the municipality in which the said license is intended to take effect the sum of fifty dollars, for the use of such municipality, and shall have obtained a re-
 15 ceipt for such payment signed by the said treasurer and endorsed on the said license, and it shall be the duty of the said treasurer on payment or tender to him of the money last aforesaid, and the said license to fill up and sign such receipt.

Issue of li-
censes by
wholesale.

Proviso as to
fee to treasure
of municip-
ality.

16. Every license issued under this Act shall be a license
 20 for the purpose of the Provincial duty, as well as for the sum to be payable to the municipality therefor; and the sum paid for the license, over and above the Provincial duty, shall be applied to the use of the municipality within which is situate the tavern, inn, ale-house, beer-house, shop, warehouse, or other place in
 25 which such license is to have effect.

Licenses to be
such for pur-
poses of Pro-
vincial duty,
etc.

TRANSFER OF LICENSE.

17. If any person having lawfully obtained a license under this Act before the expiration of his license dies, or sells, or by operation of law or otherwise assigns his said business, or removes from the house or place in respect of which the said license
 30 applies, such person, his assigns or legal representatives may, with the consent of the issuer of licenses for the municipality in which the said license has effect (such consent to be endorsed on said license) transfer such license to any other person who, under such transfer, may exercise the rights granted by such license,
 35 subject to all the duties and obligations of the original holder thereof, until the expiration thereof, in the house or place for which such license was issued and to which it applies, but in no other house or place: Provided always, that in every
 40 case of a tavern license, the person in whose favour any such transfer is to be made, shall first produce to the said issuer of licenses a certificate similar to that mentioned in the thirteenth section of this Act, and which certificate it shall be the duty of the respective official persons therein mentioned to grant: And
 45 Provided also, that such transfer shall be made within one month after the death, assignment or removal of the original holder of such license, and not afterwards.

Transfers of li-
censes.

Proviso.

Proviso.

18. Any inspector of licenses may, in his discretion, but after resolution allowing the same of the municipal council or commissioners of police, as the case may be, having jurisdiction and
 50 subject to the approval of the issuer of licenses, endorse on any tavern or shop license permission to the holder thereof, or his assigns or legal representatives, to remove from the house to which his said license applies to another house to be described in an endorsement to be made by the said inspector on the said

Inspector of li-
censes may
consent to re-
moval of
tavern keeper
to another
house.

license, and situate within the same municipality, and possessing all the accommodation required by law; and such permission, when the approval of the said issuer is endorsed on the said license, shall authorize the holder of the said license to sell the same liquors in the house mentioned in the endorsement during the unexpired portion of the term for which the said license was granted, in the same manner, and upon the same terms and conditions; and any bond or security which such holder of a license may have given for any purpose relative to such license, shall apply to the house or place to which such removal is authorised, but such permission shall not entitle him to sell at any other than this one place. 5 10

REGULATIONS.

19. Every person who keeps a tavern, inn, ale-house, beer-house, or other house, or place of public entertainment, in respect of which a tavern license has duly issued and is in force, shall exhibit over the door of such tavern, inn, ale-house, beer-house, or other place of public entertainment, in large letters, the words "Licensed to sell wine, beer, and other spirituous or fermented liquors," and, in default thereof, shall be liable to a penalty of five dollars besides costs. 15 20

20. No person having a shop license to sell by retail, shall allow any liquors sold by him, or in his possession, and for the sale of which a license is required, to be consumed within his shop, or within the building which such shop forms part of, or which communicates by any entrance with such shop, either by the purchaser thereof, or by any other person not usually resident within such building, under a penalty of twenty dollars besides costs. 25

21. No person having a license to sell by wholesale, shall allow any liquors sold by him or in his possession for sale, and for the sale or disposal of which such license is required, to be consumed within his warehouse or shop, or within any building which forms part of or is appurtenant to, or which communicates by any entrance with, any warehouse, shop or other premises wherein any article to be sold or disposed of under such license is sold by retail or wherein there is kept any broken packages of such articles. 30 35

DUTIES PAYABLE.

22. Over and above the sum which may be imposed by municipalities, as by law provided, there shall be paid for each tavern license, to and for the use of Her Majesty (and forming part of the Consolidated Revenue Fund of this Province), in cities, a duty of thirty dollars; in towns, of twenty-five dollars; and in townships and incorporated villages, of fifteen dollars; for vessels navigating the waters of this Province, of thirty dollars; for each shop license, by retail, in cities of thirty dollars, in towns of twenty-five dollars, and in townships and incorporated villages of fifteen dollars; for each license by wholesale of fifty dollars; for each tavern license in any territory not under municipal government, of fifty dollars; and for each shop license in any such territory, of forty dollars: Provided, that for each tavern license mentioned in section 40 45 50

nine, sub-section five, the Provincial duty shall be thirty-five dollars.

- 23.** The sum to be paid for a tavern or shop license, in addition to the Provincial duty mentioned in the last preceding resolution, shall be such a sum as shall be fixed by by-law of the municipality passed by the proper authority in that behalf; and, including the Provincial duty, shall be, in cities, not less than eighty dollars for taverns and for shops; in towns, not less than sixty dollars for taverns and for shops; and in townships and incorporated villages, not less than thirty dollars for each tavern and shop license: Provided always that for each tavern license mentioned in section nine, sub-section five, the said sum in cities shall not be less than one hundred dollars, and in towns not less than eighty dollars; but no by-law, by which a greater sum than one hundred and thirty dollars per annum is intended to be exacted for any tavern or shop license, or for leave to exercise any other calling, or to do any other thing for which a license may be required, shall have any force or effect, unless the by-law, before the final passing thereof, shall have been duly approved by the electors of the municipality, in the manner provided by the Municipal Act; and any by-law so passed shall not be varied or repealed, unless the varying or repealing by-law shall have been, in like manner, submitted to and approved of by the electors of the said municipality.

Sum to be paid in addition to Provincial duty.

Proviso.

Such sum to be approved by public vote, etc.

PROHIBITIONS.

- 24.** No person shall sell by wholesale or retail any spirituous, fermented, or other manufactured liquors within the Province of Ontario without having first obtained a license under this Act authorizing him so to do. Provided that this section shall not apply to sales under legal process, or for distress, or sales by assignees in insolvency.
- 25.** No person shall keep or have in any house, building, shop, eating-house, saloon, or house of public entertainment, or in any room or place whatsoever, any spirituous, fermented or other manufactured liquors for the purpose of selling, bartering, or trading therein, unless duly licensed thereto under the provisions of this Act.
- 26.** The last two preceding sections shall not prevent any brewer, distiller, or other person duly licensed by the Government of Canada for the manufacture of fermented, spirituous, or other liquors, from keeping, having or selling any liquor manufactured by him in any building wherein such manufacture is carried on, and which building forms no part of and does not communicate by any entrance with any shop or premises wherein any article authorized to be manufactured under such license is sold by retail, or wherein is kept any broken packages of such articles: Provided that any such brewer, distiller or other person is further required to first obtain a license to sell by wholesale under this Act the liquor so manufactured by him, when sold for consumption within this Province, and under which license the said liquor may be sold by sample, or in original packages, in any municipality, as well as in that in which it is manufactured, but so that no such sale shall be in quantities less than those prescribed in section four of this Act.

No person shall sell liquors without license.

Persons not to keep spirituous, etc. liquors for sale unless licensed.

Two preceding sections not to apply to brewers, &c.

Not to chemists.

All places where intoxicating liquors sold to be closed from seven o'clock on Saturday night till six o'clock on Monday morning.

27. The said sections numbered twenty-four and twenty-five of this Act shall not prevent any chemist or druggist duly registered as such under and by virtue of the "Pharmacy Act of 1871," from keeping, having or selling liquors for strictly medicinal purposes, and then only in packages of not more than twelve ounces at any one time, except under certificate from a registered medicinal practitioner. 5

Exception.

28. In all places where intoxicating liquors are, or may be, sold by wholesale or retail, no sale or other disposal of the said liquors shall take place therein, or on the premises thereof, or out of or from the same to any person or persons whomsoever, from or after the hour of seven of the clock on Saturday night till six of the clock on Monday morning thereafter, and during any further time on the said days, and any hours or other days during which, by any statute in force in this Province, or by any by-law in force in the municipality wherein such place or places may be situated, the same, or the bar-room or bar-rooms thereof, ought to be kept closed, save and except in cases where a requisition for medical purposes, signed by a licensed medical practitioner, or by a justice of the peace, is produced by the vendee or his agent; nor shall any such liquor be permitted or allowed to be drunk in any such places during the time prohibited by this Act for the sale of the same. 10 15 20

Sale of liquors from ships in port prohibited.

29. Where a license is issued, under this Act, to authorize the sale of liquors, upon any vessel navigating any river, lake, or water in this Province, no sale or other disposal of liquor shall take place thereon or therefrom, to be consumed by any person other than a passenger on the said vessel, whilst such vessel is at any port, pier, wharf, dock, mooring, or station; and in case any such sale or other disposal of liquor shall take place, the said license shall *ipso facto* be and become forfeited, and absolutely void, and the captain or master in charge of such vessel, and the owner or person navigating the same, as well as the person actually selling or disposing of liquor contrary to this section shall be severally and respectively liable to pay to the Crown, for the public uses of this Province, the sum of one hundred dollars; and any person who may sell or dispose of any liquor contrary to the provisions of this section, shall also be liable to the same penalty and punishment therefor as are hereinafter prescribed in the thirty-seventh section of this Act. 25 30 35 40

PENALTIES.

Not lawful for chamberlain or treasurer to take money for certificate, until Provincial duty paid.

30. It shall not be lawful for the commissioners of police in cities, or any of them, nor for any member of any municipal council, nor for the clerk, treasurer, or any officer of such municipality, either directly or indirectly, to receive, take, or have any money whatsoever, for any certificate, matter or thing connected with, or relating to any license, or the sum to be therefor paid to the said municipality, or any part thereof, or to receive, take, or have any note, security or promise for the payment of any such money or any part thereof, from any person or persons whatsoever, until and after the said license shall have been issued by the issuer of licenses in the manner aforesaid; and any person or persons guilty of, or concerned in, or a party to any act, matter or thing contrary to the provisions of this section, or of section fourteen 40 45

of this Act, shall forfeit and pay to and for the use of Her Majesty a penalty of not less than fifty dollars, nor more than one hundred dollars, besides costs, for every such offence. **Penalty.**

31. Any member of a municipal corporation, or officer or other person who shall, contrary to the provisions of this Act, knowingly vote for or issue, or cause or procure to be issued, a certificate for a tavern or shop license, shall, upon conviction thereof, for each offence pay a fine of not less than forty dollars, nor more than one hundred dollars, and in default of payment of such fine, the offender or offenders may be imprisoned in the county gaol of the county in which the conviction takes place for a period not exceeding three calendar months. **Penalty for issuing any certificate contrary to this Act.**

32. If any officer of any municipal corporation shall be convicted of any offence under this Act, he shall thereby forfeit and vacate his office, and he shall be disqualified to hold any office in any municipality in this Province for two years thereafter. **Forfeiture of office by municipal officer, if convicted under Act.**

33. If any member of any municipal council shall be convicted of any offence under this Act, he shall thereby forfeit and vacate his seat, and shall be ineligible to be elected to or to sit or vote in any municipal council for two years thereafter; and if any such person, after the forfeiture aforesaid, shall sit or vote in any municipal council, he shall incur a penalty of forty dollars for every day he shall so sit or vote. **Forfeiture of office by municipal councillor if convicted. Penalty.**

34. For punishment of offences against section twenty-eight of this Act, a penalty for the first offence against the provisions thereof, of not less than twenty dollars with costs, or fifteen days' imprisonment with hard labour, in case of conviction, shall be recoverable from, and leviable against, the goods and chattels of the person or persons who are the proprietors in occupancy, or tenants or agents in occupancy of the said place or places, who shall be found by himself, herself, or themselves, or his, her, or their servants or agents, to have contravened the enactment in the said twenty-eighth section, or any part thereof; for the second offence, a penalty against all such of not less than forty dollars with costs, or twenty days' imprisonment with hard labour; for a third offence, a penalty against all such of not less than one hundred dollars with costs, or fifty days' imprisonment with hard labour; and for a fourth or any after offence, a penalty against all such of not less than one nor more than three months' imprisonment with hard labour, in the common gaol of the county wherein such place or places may be, the number of such offences to be ascertained by the production of a certificate under the hand of the convicting justice, or by other satisfactory evidence to the justice before whom the information and complaint may be made; and it is hereby enacted, that convictions for several offences may be made under this Act, although such offences may have been committed in the same day: Provided always, that the increased penalties hereinbefore in this section imposed shall only be recoverable in the case of offences committed on different days. **Penalty for contravention of sec. 28. Proviso.**

35. Any person who shall sell or barter spirituous, fermented or manufactured liquors of any kind, or intoxicating liquors of any kind, without the license therefor by law required, shall, for the first offence, on conviction thereof, forfeit and pay a penalty **Penalty for selling without license.**

of not less than twenty dollars besides costs, and not more than fifty dollars besides costs; and for the second offence, on conviction thereof, such person shall be imprisoned in the county gaol of the county in which the offence was committed, to be kept at hard labour for a period not exceeding three calendar months; and for the third and any after offence, on conviction thereof, such person shall be imprisoned in the county gaol of the county in which the offence was committed, to be kept at hard labour for a period of not less than one nor more than three calendar months; and the number of convictions may be ascertained by the production of a certificate under the hand of the convicting justice, or by other satisfactory evidence.

Keepers of disorderly inns subject to certain penalties.

36. The mayor or police magistrate of a town or city, or the reeve of a township or village, with any one justice of the peace, or any two justices of the peace having jurisdiction in the township or village, upon complaint made on oath to them, or one of them respectively, that any keeper of any inn, tavern, ale-house, beer-house, or other house of public entertainment, situate within their jurisdiction, sanctions or allows gambling or riotous or disorderly conduct in his tavern or house, may summon the keeper of such inn, tavern, ale or beer-house to answer the complaint, and may investigate the same summarily, and either dismiss the complaint with costs to be paid by the complainant, or convict the keeper of having an improper or a riotous or disorderly house, as the case may be, and annul his license, or suspend the same for not more than sixty days, with or without costs, as in his or their discretion may seem just; and in case the keeper of any such inn, tavern, ale-house, beer-house, or place of public entertainment, shall be convicted under this section, and his license annulled, he shall not be eligible to obtain a license for the period of two years hereafter.

Power of county judge as to licenses improperly obtained.

37. The judge of the county court of the county in which the municipality is situate, wherein the license complained of is intended to take effect, upon the complaint of any person that such license has been issued contrary to any of the provisions of this Act or of any by-law in force in the said municipality, or that such license has been obtained by any fraud, or that the person licensed has been convicted on more than one occasion for any violation of the provisions of the thirty-sixth section of this Act, or has been convicted for the fourth or any after offence under the twenty-eighth section of this Act, shall summon the person to whom such license issued to appear, and shall proceed to hear and determine the matter of the said complaint in a summary manner, and may upon such hearing, or in default of appearance of the person summoned, determine and adjudge that such license upon any of the causes aforesaid ought to be revoked, and thereupon shall order and adjudge that such license is and stands revoked and cancelled accordingly, and thereupon such license shall be and become inoperative and of none effect, and the person to whom such license issued, shall thereafter, during the full period of two years, be disqualified from obtaining any further or other license under this Act, and the said order and adjudication of the said judge shall be final and conclusive, and shall not be the subject of appeal or revision by any court whatever, or the said judge may, in his discretion, dismiss the matter of the said complaint, with or without costs to be paid by the complainant.

38. The judge of the county court of the county in which the municipality is situate, in which any inspector or inspectors of licenses is or are appointed, upon complaint made by any person that any such inspector is guilty of wilfully neglecting to do or observe, or of wilfully doing any act, matter or thing contrary to his duty, as such inspector, shall summon such inspector to appear, and shall proceed to hear and determine the matter of the said complaint, and upon such hearing, or in default of appearance of the said inspector being duly summoned, may determine that such inspector is guilty of the matter complained of, and ought to be removed from his said office of inspector, and shall order the same accordingly, and thereupon such person shall no longer be inspector, and the council or police commissioners as the case may be, in the said municipality, shall immediately appoint another inspector in his place, and the person so removed shall thereafter, for the full period of two years, be disqualified from being or becoming an inspector of licenses, and the said order and adjudication of the said judge shall be final and conclusive, and shall not be the subject of appeal or revision by any court whatsoever, or the said judge may, in his discretion, dismiss the matter of the said complaint, with or without costs to be paid by the complainant.

Power of county judge as to inspectors neglecting their duties.

39. Any person who, having violated any of the provisions of this Act, shall compromise, compound or settle, or shall offer or attempt to compromise, compound or settle the offence with any person or persons, with the view of preventing any complaint being made in respect thereof, or if a complaint shall have been made with the view of getting rid of such complaint, or of stopping or having the same dismissed for want of prosecution, or otherwise, shall be guilty of an offence under this Act, and, on conviction thereof, shall be imprisoned at hard labour in the common gaol of the county in which the offence was committed for the period of three calendar months.

Penalty in case any person shall compromise, compound or settle a case.

40. Every person who shall be concerned in, or be a party to, the compromise, composition or settlement mentioned in the next preceding section, shall be guilty of an offence under this Act, and, on conviction thereof, shall be imprisoned in the common gaol of the county in which the offence was committed, for the period of three calendar months.

Penalty for being concerned in any such compromise, etc.

41. No police magistrate or justice or justices of the peace, municipal council or municipal officer, shall have any power or authority to remit or compromise any penalty or punishment inflicted under this Act.

Penalties or punishments not to be remitted.

42. Any person who, on any prosecution under this Act, tampers with a witness, either before or after he or she is summoned or appears as such witness on any trial or proceeding under this Act, or by the offer of money, or by threats, or in any other way, either directly or indirectly, induces or attempts to induce any such person to absent himself or herself, or to swear falsely, shall be liable to a penalty of fifty dollars for each offence.

Penalty for tampering with a witness.

43. The penalties in money under this Act, or any portion of them which may be recovered, shall be paid to the convict.

Applications of penalties.

Penalties and costs, how recoverable.

ing justice or justices in the case, and shall by him, or them, in case any officer appointed by the Lieutenant-Governor is the prosecutor or complainant, be paid to the Treasurer of Ontario, and in case such Provincial officer is not the prosecutor or complainant, then the same shall be paid to the treasurer of the municipality wherein the offence was committed; and for the recovery of the said penalties and legal costs, upon and after conviction in cases not appealable, and in cases appealable where an appeal has not been perfected according to law, it shall and may be lawful for any justice or justices to issue a warrant of distress to any constable or peace officer, against the goods and chattels of the person or persons convicted, and in case no sufficient distress be found to satisfy the said conviction, then in cases not otherwise provided for by this Act, it shall and may be lawful for the said justice or justices to order that the person or persons so convicted be imprisoned in any common gaol within the county, or gaol or lock-up house, in which such conviction was made, for any period not exceeding thirty days, unless the penalty and all costs be sooner paid. The council of any municipality shall set apart not less than one-third part of such fines or penalties received by the said municipality for a fund to secure the prosecutions for infractions of this Act, and of any by-laws passed in pursuance thereof.

PROCEEDINGS AND EVIDENCE.

Prosecutions for selling without licence to be before two or more justices or police magistrate.

Mode of procedure.

Conviction to be final.

Prosecutions to be commenced within twenty days.

44. All prosecutions for the punishment of the several offences against the provisions of this Act, contained in sections numbered respectively ten, nineteen, twenty, twenty-one, twenty-five, twenty-six, twenty-eight, twenty-nine, thirty, thirty-five, thirty-six, thirty-nine, forty, forty-two, fifty-five, fifty-six, fifty-seven, whether the prosecution be for the recovery of a penalty or for punishment by imprisonment, shall take place before any two or more of Her Majesty's justices of the peace having jurisdiction in the municipality in which the offence is committed, or in cities and towns where there is a police magistrate, before the police magistrate, who, it is hereby declared, shall have authority to hear and determine the same in a summary manner according to the practice and procedure, and after forms contained in and appended to the Act chapter one hundred and three of the Consolidated Statutes of Canada, entitled *An Act respecting the duties of the Justices of the Peace out of Sessions in relation to summary convictions and orders*, and the Act or Acts amending the same; and on such trials and proceedings the prosecutor or complainant shall be a competent witness; and in all cases of prosecution for any offence against the provisions of the thirty-fifth section of this Act, the conviction or order of the said two or more justices, or of the said police magistrate, as the case may be, shall be final and conclusive; and against such conviction or order there shall be no appeal to the court of general sessions of the peace, or to any other court, except as hereinafter mentioned, any statute, usage, custom, or law to the contrary notwithstanding; and all prosecutions under this Act shall be commenced within twenty days after the commission of the offence or after the cause of action arose, and not afterwards.

2. An appeal shall lie from a conviction had under the thirty-fifth section of this Act to the Judge of the County Court of the County in which the conviction is made sitting in Cham-

bers, without a jury, within twenty days after the said conviction.

3. The justices of the peace or police magistrate, (as the case may be) shall, in all cases of complaint under the said section of this Act, reduce to writing the whole of the evidence of the witnesses examined before them, or him, and shall read the same over to the witnesses, who shall sign the same.

4. At the request of the person convicted, the justices of the peace, or police magistrate who have or has convicted, upon deposit made with them, or him, of the amount of the penalty and the costs, and a further sum of ten dollars shall, within five days after the date of the said conviction, transmit by registered letter, post-paid, all the proceedings and evidence to the clerk of the county court.

5. Within ten days after the date of the said conviction, if the judge of the County Court be of opinion from the said evidence that the conviction may be erroneous, he may grant a summons calling upon the County-Attorney and the prosecutor to show cause why the said conviction may not be quashed.

6. Upon the return of the summons, the judge may, upon hearing the parties, either affirm or quash the said conviction, or if he shall see fit may hear the evidence of such other witness or witnesses, or the further evidence of any witness already examined, and may then make an order affirming or quashing the said conviction as he may think just, and may order the payment of costs, and shall fix the amount thereof.

7. Upon production of the judge's order, the justices of the peace or police magistrate who have convicted shall issue their or his warrant for payment of such further sum for costs, as the sum deposited with them or him is insufficient to pay; if the conviction be quashed, the judge shall order a return of the money so deposited: and shall order payment of such sum for costs as he may tax and order, and unless the sum be paid by the complainant the justices or police magistrate may issue their or his warrant to levy the costs.

8. The judge shall have as full a power to correct and amend any formal objection in the conviction, as he would have to amend any proceeding in a civil cause in the County Court.

9. In all cases of prosecutions for any offence against any of the provisions of this Act, other than those contained in the said thirty-fifth section, an appeal shall lie from any order or conviction, in the same manner and to the same extent as is provided in and by the said Act, chaptered one hundred and three of the consolidated statutes of Canada respecting summary convictions.

45. All prosecutions under this Act, other than those mentioned in the next preceding section and sections thirty-four, thirty-five, and thirty-eight of this Act, whether for the recovery of a penalty or otherwise, may be brought and heard before any one or more of Her Majesty's justices of the peace in and for the county where the forfeiture took place, or the penalty was incurred, or the offence was committed or wrong done, and in cities and towns in which there is a police magistrate, before the police magistrate; and the procedure shall be that of justices out of sessions in relation to summary convictions and orders; and all prosecutions provided for under this section shall be commenced within two months after the commission of the offence or the cause of action arose, and not afterwards.

All other prosecutions may be before one or more justices or a police magistrate.

Mode of procedure.

Prosecutions to be commenced within two months.

Any person
may be prose-
cutor, etc.

46. Any person may be prosecutor or complainant in prosecutions under this Act; and no person shall be rendered incompetent as a witness by reason of his being interested in any portion of the penalty sought to be recovered.

By-laws by po-
lice commis-
sioners in cities
may have pen-
alties attached
thereto, etc.

47. In all cases where the board of police commissioners 5
in cities are authorized to make by-laws either under this
or any other Act or law, they shall have power in and
by such by-laws to attach penalties for the infraction there-
of, to be recovered and enforced by summary proceedings
before the police magistrate of such city for which the 10
same may be passed, or, in his absence, before any justice of
the peace having jurisdiction therein, in the manner and to
the extent that by-laws of city councils might be enforced under
the authority of the Municipal Institutions Act; and the con-
victions in such proceedings may be in the form set forth in the 15
said Act.

How such by-
laws authen-
ticated, etc.

48. All by-laws of such board of police commissioners shall
be sufficiently authenticated by being signed by the chairman
of such board, who shall pass the same; and a copy of any such
by-law written or printed, and certified to be a true copy by any 20
member of such board, shall be deemed authentic, and be re-
ceived in evidence in any court of justice without proof of any
such signature, unless it is specially pleaded or alleged that the
signature to any such original by-law has been forged.

Places in
which the sale
of liquors is
presumed.

49. Any house, shop, room, or other place in which are 25
proved to exist a bar, counter, beer pump, kegs, jars, decanters,
tumblers, glasses, or any other appliances or preparations simi-
lar to those usually found in taverns and shops where spirituous
or fermented liquors are accustomed to be sold or trafficked in,
shall be deemed to be a place in which spirituous, fermented, 30
or other manufactured liquors are sold under the twenty-fifth sec-
tion of this Act, unless the contrary is proved by the defen-
dant in any prosecution; and the occupant of such house, shop,
room, or other place, shall be taken conclusively to be the per-
son who has, or keeps therein, such liquors for sale, barter or 35
traffic therein.

Persons or
lights in bar-
room at probi-
bited times,
when so prov-
ed, to be *prima*
facie evidence
of illegal sale
of liquor.

50. In cities, towns and incorporated villages, in all
cases where any person or persons, other than members of
the family or household of the keeper of a licensed tavern
or saloon, is or are found frequenting or present, or gas or 40
other light is seen burning, in the bar-room of such tavern
or saloon, where liquor is trafficked in, at any time during
which the sale or other disposal of liquors is prohibited by any
provision of this Act, any such fact, when proved, shall be
deemed and taken as *prima facie* evidence that a sale or other 50
disposal of liquors by the keeper of such tavern or other place
has taken place contrary to the provisions of the twenty-eighth sec-
tion of this Act; and such keeper may thereupon be convicted
of an offence against said section, and shall, upon conviction, be
subject to the punishment prescribed in and by the thirty-sixth 55
section of this Act.

Liability of oc-
cupants.

51. The occupant of any house, shop, room or other place
in which any sale, barter or traffic of spirituous, fermented, or
manufactured liquors, or any matter, act or thing, in contraven-

tion of any of the provisions of this Act, has taken place, shall be personally liable to the penalty and punishments prescribed in the thirty-seventh section of this Act, notwithstanding such sale barter or traffic be made by some other person, who cannot
5 be proved to have so acted under or by the directions of such occupant.

52. In any prosecution under this Act, whenever it appears that the defendant has done any act or been guilty of any omission in respect of which, were he not duly licensed, he
10 would be liable to some penalty under this Act, it shall be incumbent upon the defendant to prove that he is duly licensed, and that he did the said act lawfully, and the production of a license which on its face purports to be duly issued, and which were it duly issued, would, be a lawful authority to the defendant
15 for such act or omission, shall be *prima facie* evidence that the defendant is so entitled, and in all cases the signature to and upon any instrument purporting to be a valid license shall *prima facie* be taken to be genuine.

Proof of being licensed to rest on the defendant.

OFFICERS TO ENFORCE THE LAW AND THEIR DUTIES.

53. The Lieutenant-Governor may appoint one or more provincial officers, whose duty it shall be to enforce the observance
20 of the provisions of this Act; and the council of every county, township, town and incorporated village, and the commissioners of police in each city shall, some time in the month of February in each year, appoint an officer or officers for the municipality, for the like purposes, and for the observance and
25 enforcement of any by-law of the municipality, with respect to tavern and shop licenses, and shall fix and define the duties, powers and privileges of the officer or officers so appointed; the remuneration he or they shall receive, and the security to be
30 given for the efficient discharge of the duties of the said office.

Appointment of officer to enforce this Act.

54. Any provincial officer, or any police officer or constable, or inspector of licenses, shall be deemed to be within the provisions of this Act; and when any information is given to
such officer that there is cause to suspect that some person is
35 violating any of the provisions of this Act, it shall be the duty of such officer to make diligent enquiry into the truth of such information, and enter complaint of such violation before the proper court, without communicating the name of the person giving such information; and it shall be the duty of the county
40 attorney, within the county in which the offence is committed, to attend to the prosecution of all cases committed to him by the provincial officer.

Present appointment of officers.

Duties of officers and county attorneys on receiving information of infringement of this Act.

55. Any provincial officer, police officer or constable, or inspector of licenses, may, at any time, enter into any tavern,
45 inn, ale-house, beer-house, or other house or place of public entertainment, or into any shop, warehouse or other place wherein refreshments or liquors are sold, or reputed to be sold, whether under license or not; and any person being therein, or having charge thereof, who refuses, or after due summons fails to admit
50 such provincial or police officer, or constable, or inspector, into the same, or offers any obstruction to his admission thereto, shall be liable to a penalty of not less than ten dollars, nor more
than fifty dollars for every such offence.

Right of constables to enter taverns, etc.

Penalty.

56. It shall be the duty of every police officer, or constable, or inspector of licenses in each municipality, to see that the several provisions of this Act are duly observed, and to proceed by information and otherwise prosecute for the punishment of any offence against the provisions of this Act; and in case of wilful neglect or default in so doing in any case, such police officer, constable or inspector shall incur a penalty of ten dollars for each and every such neglect and default. 5

Provisions as to harbouring constables on duty.

57. Any person licensed to sell wine, beer or spirituous liquors, or any keeper of any house, shop, room, or other place for the sale of liquors, who shall knowingly harbour or entertain any constable belonging to any police force, or suffer such person to abide or remain in his shop, room or other place during any part of the time appointed for his being on duty, unless or the purpose of quelling any disturbance, or restoring order or otherwise in the execution of his duty, shall, for any of the offences aforesaid, be deprived of his license. 10 15

TERRITORIAL DISTRICTS.

This Act to apply to the territorial and unorganized districts.

58. The several provisions of this Act shall apply to the territorial and unorganized districts of this Province, and in any prosecution or proceeding thereunder the stipendiary magistrate in any such district shall possess and exercise all the powers and jurisdictions of the mayor, police magistrate, or other convicting justice or justices of the peace, under this Act; and any money penalty imposed and recovered shall be paid to the Treasurer of Ontario; and the lock-up of such district shall be deemed to be a gaol for the purpose of imprisonment under this Act; and the provisions of this Act, applicable to townships, shall apply to all municipalities organized under the Acts providing for the establishment of municipal institutions in various territorial districts. 20 25 30

Issue of licenses for places not within a municipality.

59. The licenses to be issued for the sale of spirituous, fermented, or other manufactured liquors, in any place not within a municipality, may be issued on such conditions and under such regulations as the Lieutenant-Governor in Council may from time to time direct, subject to the provisions of this Act; and any bond which the Lieutenant-Governor in Council may direct to be taken from any person obtaining a license under this Act, for any such place conditional for the observance of the law, and of all regulations to be made under this section shall be valid, and may be enforced according to its tenor. 35 40

REPEALING CLAUSE.

32 V., c. 32; 33 V., c. 28, and 36 V., c. 34 repealed.

60. The several Acts in the recital hereof mentioned are hereby repealed, but the repeal thereof shall not revive any Act or provision of law by them repealed, or prevent the effect of any saving clause therein, or the application of any such Acts or of any provision therein formerly in force to any transaction, matter or thing anterior to the said repeal, and to which they would otherwise apply; and any by-law enacted under any of the provisions of the said recited Acts or any of them, and in force in any municipality at the time of the passing of this Act shall remain and continue in full force and effect, until another by-law having relation to the same subject matter shall be enacted by the proper authority in that behalf, under the provisions of this Act. 45 50

By-laws enacted under their provisions to remain in force until others are passed.

3rd Session, 2nd Parliament, 37 Victoria: 1874.

BILL.

An Act to Amend and Consolidate the Law
for the Sale of Fermented or Spirituous
Liquors.

(Reprinted as amended.)

1st Reading, 3rd February, 1874.

2nd Reading, 25th February, 1874.

Hon. MR. CROOKS.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act to provide for voting by Ballot at Elections to the Legislative Assembly.

HER Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

PROCEEDINGS PRELIMINARY TO THE POLL.

1. In case of a poll at an election of members to serve in the Legislative Assembly, the votes shall be given by ballot. Votes to be by ballot

2. The returning officer shall, on receiving the writ of election, procure or cause to be procured, as many boxes (hereinafter called ballot boxes) as there are polling subdivisions within the electoral division; Ballot boxes to be furnished,

10 (2.) The ballot boxes shall be made of some durable material, shall be provided with a lock and key, and shall be so constructed that the ballot paper can be introduced therein, and cannot be withdrawn therefrom unless the box be unlocked; how made,

15 (3.) When it becomes necessary for the purposes of an election to use the ballot boxes, it shall be the duty of the returning officer two days at least before the polling day to deliver one of the ballot boxes to every deputy returning officer appointed for the purposes of the election; delivery to Deputy Officers,

20 (4.) After the close of the election, the returning officer, if not himself the sheriff, shall deliver the ballot boxes to the sheriff of the county in which the electoral division or any part of the same is situate, and such ballot boxes shall be preserved by such sheriff for use at future elections for the electoral division; delivery to Sheriffs for future elections.

25 (5.) If the returning officer fails to furnish ballot boxes in the manner herein provided, he shall incur a penalty of one hundred dollars, in respect of every ballot box which he has failed to furnish in the manner prescribed; Penalty on officer for not furnishing boxes.

30 (6.) It shall be the duty of the deputy returning officer in every polling sub-division not supplied with a ballot box within the time prescribed, forthwith to procure one to be made. Deputy officers may procure boxes.

3. Where a poll has been granted, the returning officer shall forthwith cause to be printed such a number of ballot papers, as shall be sufficient for the purposes of the election; and the same shall be bound or stitched in a book of convenient size, and in such manner that the counterfoils shall continue bound or stitched when the ballot papers are detached therefrom. Ballot papers to be printed.

(2.) Every ballot paper shall contain the names of the candidates, arranged alphabetically in the order of their surnames; and if there be two or more candidates with the same surname, of Contents and form.

their other names, and the ballot papers may be according to the form or schedule A. to this Act ;

(3.) The number and names of each candidate shall if practicable be distinctly printed in ink of different colours, if on the nomination day the candidates agree as to the colours ; and the returning officer shall give each candidate a certificate setting forth the selection of the colour made by him ;

(4.) Every ballot paper shall have a counterfoil attached thereto ; every ballot paper and counterfoil shall specify the name of the electoral division for which it is to be used : and every ballot paper shall have a number printed on the back thereof, and the same number shall be printed on the face of the counterfoil attached thereto : Provided that the same number shall not be printed on more than one ballot paper to be used for the electoral division ;

Tendered
ballot papers,

(5.) In addition to the ballot papers hereinbefore referred to, the returning officer, shall cause to be printed such a number of other ballot papers (hereinafter called tendered ballot papers,) to be used in the manner hereinafter directed, as shall be sufficient for the purposes of the election ;

contents and
form.

(6.) Such tendered ballot papers shall be in the same form as the ballot papers hereinbefore referred to, but shall be of a colour differing from the same ; and upon the back of the tendered ballot papers, and upon the face of the counterfoils attached thereto, shall be printed the words, "Tendered Ballot Paper ;"

Returning
officer to fur-
nish Deputies
with ballot
books, &c

(7.) The tendered ballot papers and the counterfoils attached thereto shall be numbered in a manner similar to that in which the other ballot papers and counterfoils are hereinbefore directed to be numbered and shall be bound or stitched in like manner ;

(8.) The returning officer shall before the opening of the poll deliver or cause to be delivered to every deputy-returning officer the books containing the ballot papers and tendered ballot papers with their respective counterfoils attached, which have been prepared for use in the polling sub-division for which such deputy returning officer is appointed to act : and shall also furnish to the deputy returning officer, or see that he is furnished with, the necessary materials for voters to mark the ballot papers, and such materials shall be kept at the polling place by the deputy returning officer for the convenient use of voters.

Returning offi-
cer to furnish
Deputies with
Directions for
voters' guid-
ance.

4. The returning officer shall before the opening of the poll deliver or cause to be delivered to every deputy-returning officer such a number of Printed Directions for the guidance of voters in voting as he may deem sufficient, and shall so deliver or cause to be so delivered at least ten copies of such printed directions ; such directions shall be printed in conspicuous characters, and may be according to the form in schedule B. to this Act.

Deputies to
placard the
directions.

(2.) Every deputy-returning officer shall before the opening of the poll, or immediately after he has received such printed directions from the returning officer, if he did not receive the same before the opening of the poll, cause such printed directions to be placarded outside the polling place for which he is appointed to act, and also in every compartment of the polling place, and shall see that they remain so placarded until the close of the polling.

Compartment
wherein voters
may mark
voter.

5. Every polling place shall be furnished with compartments, in which the voters can mark their votes screened from obser-

vation ; and it shall be the duty of the returning officer to see that a sufficient number of such compartments are provided at each polling place.

6. The deputy-returning officer shall, upon receiving the copy
 5 or duplicate of the voters' list for the polling sub-division for which he is to act, prefix a number to every name in such copy or duplicate, and such numbers so prefixed need not be consecutive numbers, but may be chosen arbitrarily by the deputy-returning officer ; Provided that the same number shall not be
 10 prefixed to more than one name ; and the deputy-returning officer shall take all necessary precautions for concealing and shall conceal from all persons (except the poll clerk) the numbers so prefixed by him to the names on the copy or duplicate of the voters' list.

Deputies to prefix numbers to names on voters lists, and conceal the numbers.

THE POLL.

- 15 7. The deputy-returning officer shall, immediately before the commencement of the poll, shew the ballot box to such persons as are present in the polling place, so that they may see that it is empty : and he shall then lock the box, and place his seal upon it in such manner as to prevent its being opened without
 20 breaking such seal ; and he shall then place the box in his view for the receipt of ballot papers, and shall keep it so locked and sealed.

Deputy to show box empty, lock and seal it.

8. When any person claiming to be entitled to vote presents himself for the purpose of voting, the deputy-returning officer
 20 shall proceed as follows :—

Conduct of Deputy on tender of vote,

- (1.) He shall ascertain that the name of such person is entered, or purports to be entered, upon the voters' list for the sub-division for which such deputy-returning officer is appointed to act ;

- (2.) He shall record or cause to be recorded in the proper
 25 columns of the voters' list, the residence and the legal addition of such person ;

- (3.) If such person shall take the oath or affirmation required to be taken by voters in the manner directed by the Election Law of 1868, the deputy-returning officer shall enter, or cause
 30 to be entered, opposite such person's name in the proper column of the said voters' list, the word "sworn," or "affirmed," according to the circumstances of the case ;

- (4.) Where the vote is objected to by any candidate or his agent, the deputy-returning officer shall enter the objection,
 35 or cause the same to be entered, in the voters' list, by writing opposite the name of such person, in the proper column, the words "objected to," stating at the same time by which candidate or on behalf of which candidate the objection has been made, by adding after the words "objected to" the name only
 40 of such candidate ;

- (5.) Where such person as aforesaid has been required to take the oath or affirmation, and refuses to take the same, the deputy-returning officer shall enter or cause to be entered opposite the name of such person in the proper column of the voters' list the words "refused to be sworn," or "refused to affirm,"
 45 according to the circumstances of the case ; and the vote of such person shall not be taken or received ; and if taken and received it shall be null and void ; and the deputy-returning officer shall for having taken and received such vote or caused the same
 50 to be taken and received incur a penalty of two hundred dollars.

refusal to take the oath,

- Deputy to sign name on ballot paper and counterfoil, (6.) Where the proper entries respecting the person so claiming to vote have been made in the voters' list in the manner prescribed, the deputy-returning officer when required so to do shall sign his name or initials upon a ballot paper and upon the counterfoil attached thereto; 5
- delivery of paper to voter, (7.) The ballot paper shall be detached from the counterfoil and shall be delivered to such person; 5
- counterfoil, conduct as to, (8.) The counterfoil shall be retained in the book by the deputy-returning officer, who shall write or otherwise mark upon such counterfoil the number prefixed to the name of such person upon the voters' list, and opposite the name of such person in the voters' list a mark shall be placed to denote that he has received a ballot paper, but not showing the particular ballot paper which he has received: 10
- deputies to conceal number on the paper, (9.) The deputy-returning officer shall take all necessary precautions for concealing and shall conceal, as far as possible, from all persons present, (including the poll clerk and the agents of the candidates, as well as all other persons), the number printed upon the ballot paper delivered to any person, and upon the counterfoil which was attached thereto, and shall not permit the counterfoil to be inspected by any person; 15 20
- and explain mode of voting (10.) The deputy-returning officer may, and upon request shall, either personally or through his clerk explain to the voter, as concisely as possible, the mode of voting, and the colours in which the numbers and names of candidates are printed on the ballot paper. 25
- Voting, marking ballot paper. (9.) Upon receiving from the deputy-returning officer the ballot paper so prepared as aforesaid, the person receiving the same shall forthwith proceed into one of the compartments provided for the purpose, and shall then and there mark his ballot paper in the manner mentioned in the directions contained in schedule B. to this Act, by placing a cross on the right hand side, opposite the name of the candidate for whom he desires to vote, thus < ; and he shall then fold the ballot paper across, so as to conceal the names of the candidates, and the mark upon the face of such paper, and so as to expose the initials of the deputy-returning officer and the number on the back, and leaving the compartment, shall, without delay, and without shewing the front to any one, or so displaying the ballot paper as to make known to any person the name of the candidate for or against whom he has marked his vote, deliver such ballot paper so folded to the deputy-returning officer, who shall, without unfolding the same, or in any way disclosing the names of the candidates, or the mark made by such elector, verify his own initials, and the number on the back of the paper, and at once deposit the same in the ballot box in the presence of all persons entitled to be present in the polling place; and the voter shall forthwith leave the polling place. 30 35 40 45
- Exclusion from balloting compartment. (10.) While any voter is in any balloting compartment for the purpose of marking his ballot paper, no other person shall be allowed to enter the compartment, or to be in any position from which he can observe the mode in which the voter marks his ballot paper. 50
- Voter not to take his paper from polling place. (11.) No person who has received a ballot paper or tendered ballot paper from the deputy-returning officer shall take the same out of the polling place; and any person having so received 55

a ballot paper or tendered ballot paper, who shall leave the polling place without first delivering the same to the deputy-returning officer in the manner prescribed, shall thereby forfeit his right to vote, and the deputy-returning officer shall make an entry in the voters' list, in the column for remarks, to the effect that such person received a ballot paper, but took the same out of the polling place, or returned the same declining to vote, as the case may be, and in the latter case the returning officer shall immediately write the word "declined" upon such ballot paper, and shall preserve it to be returned to the returning officer.

12. In case of an application by any person claiming to be entitled to vote, who is incapacitated by blindness or other physical cause from marking his ballot paper, or in case of any person claiming to be entitled to vote who makes a declaration that he is unable to read, the proceedings shall be as follows:—

Proceedings in case of incapacity to mark paper.

- (1.) The deputy-returning officer shall, in the presence of the agents of the candidates, cause the vote of such person to be marked on a ballot paper in manner directed by such person, and shall cause the ballot paper to be placed in the ballot box;
- (2.) The deputy-returning officer shall state or cause to be stated in the voters' list, by an entry opposite the name of such person in the proper column of the said voters' list, that the vote of such person is marked in pursuance of this section, and the reason why it is so marked;
- (3.) The declaration of inability to read may be in the form mentioned in schedule C to this Act, and shall be made by the person claiming to be entitled to vote, at the time of the polling, before the deputy-returning officer, who shall attest the same as nearly as may be according to the form mentioned in Schedule D to this Act, and the said declaration shall be given to the deputy-returning officer at the time of voting.

13. If a person representing himself to be a particular elector named on the voters' list applies for a ballot paper after another person has voted as such elector, the applicant shall, upon duly taking the oath authorized by law to be administered to voters at the time of polling, be entitled to mark a tendered ballot paper, but such tendered ballot paper shall be given to the deputy-returning officer, and shall be placed by him in an envelope, which shall be securely sealed, and upon which he shall make an endorsement, indicating the election at which, and the polling sub-division in which, the same is used, and the deputy-returning officer shall then deposit such envelope in the ballot box, and such tendered ballot paper shall not be counted by the returning officer; and the name and number on the voters' list of such person shall be endorsed upon the counterfoil by the deputy-returning officer, and the deputy-returning officer shall upon a list, to be called the "tendered votes list," enter the name and number on the voters' list of such person, or cause the same to be so entered.

Proceedings in case and elector applies for a paper in case another has voted as such elector.

14. If any person whose name is not entered on the voters' list claims that his name ought to have been so entered, and that it has been improperly omitted therefrom, such person shall, upon duly taking an oath according to the form mentioned in Schedule E. to this Act, or to the like effect, be entitled to mark a tendered ballot paper; and such tendered ballot paper, instead of being put into the ballot box, shall be given to the deputy--re

Proceedings in case claims to vote and that his name has been improperly omitted from voter's list.

turning officer, and shall be placed by him in an envelope and deposited in the ballot box, in the manner directed by the last preceding section with reference to ballot papers marked in pursuance thereof; and such tendered ballot paper shall not be counted by the returning officer, and the name, place of residence and occupation or calling of such person shall be entered upon the counterfoil by the deputy-returning officer, and the deputy-returning officer shall enter or cause to be entered upon the tendered voters' list the name, place of residence, and occupation or calling of such person, and also a short description of the property in respect of which such person claims to have been entitled to have been entered on the voters' list, and whether it is as an owner, tenant or occupant of such property that such person claims as aforesaid.

Proceedings in case ballot paper cannot be used.

15. A person claiming to be entitled to vote who has inadvertently dealt with his ballot paper in such manner that it cannot be conveniently used as a ballot paper, may, on delivering to the deputy-returning officer the ballot paper so inadvertently dealt with, and proving the fact of the inadvertence to the satisfaction of the deputy-returning officer, obtain another ballot paper in the place of the ballot paper so delivered up, and the deputy-returning officer shall immediately write the word "cancelled" upon such ballot paper, and preserve it to be returned to the returning officer.

Who may be present at polling place.

16. During the time appointed for polling no person shall be entitled or permitted to be present in any polling place, other than the officers, candidates, clerks, or agents authorized to attend at such polling place, and such voters as are for the time being actually engaged in voting: Provided that it shall at all times be lawful for the deputy-returning officer to have present, or to summon to his assistance in such polling place, any police constable or peace officer for the purpose of maintaining order, or of preserving the public peace, or preventing any breach thereof, or of removing any person or persons who may, in the opinion of such deputy-returning officer, be obstructing the polling or wilfully violating any of the provisions of this Act.

PROCEEDINGS AFTER THE CLOSE OF THE POLL.

Deputies to return to Returning officer ballot boxes, &c.

17. Every deputy-returning officer, as soon as practicable after the close of the poll shall, in the presence of the agents of the candidates, make up into separate packets, sealed with his own seal and the seals of such agents of the candidates as desire to affix their seals:—

(1.) Each ballot box in use at his polling place, unopened, but with the key attached; and

(2.) The unused and spoiled ballot papers placed together;

(3.) The voters' list; the commissions of the deputy-returning officer and poll clerk, with their respective oaths of office and the oaths in the forms M. and N. annexed thereto; and the counterfoils of the ballot papers and tendered ballot papers, and

(4.) The tendered votes list; the list of votes marked by the deputy-returning officer and a statement of the number of voters whose votes are so marked under the heads "physical incapacity," and "unable to read," and the declarations of inability;

The deputy returning officer shall forthwith deliver such packets personally to the returning officer; and if he be unable to do so, owing to illness or other cause, he shall deliver such packets to a person chosen by him for the purpose of delivering the same to the returning officer; and shall mention on the outside of the cover of each of the packets the name of the person to whom the same have been so delivered; and shall take a proper receipt therefor.

18. The packets shall be accompanied by a statement made by the deputy-returning officer, showing the number of ballot papers entrusted to him, and accounting for them under the heads of Ballot papers in the ballot box, Unused, Spoiled and Tendered ballot papers, Ballot papers given to voters who afterwards returned the same declining to vote, and Ballot papers taken from the polling place, which statement is in this Act referred to as the "ballot paper account."

Statement to be made by Deputies on return of ballot boxes.

COUNTING VOTES.

19. The counting of the votes shall be as follows:—

- (1.) When the said packets have been received by the returning officer from all the deputy-returning officers in the electoral division, he shall as soon as practicable make arrangements for counting the votes in presence of the agents for the candidates at the place where the election is held;
- (2.) The candidates may respectively appoint agents to attend the counting of votes, and every such agent upon being so appointed, shall give notice in writing of his appointment to the returning officer one clear day at least before the opening of the poll, and shall in such notice name a proper place called "his address for service," where the notice hereinafter mentioned may be served upon him;
- (3.) The returning officer may refuse to admit to the place where the votes are counted, any agent whose name and address for service have not been given to him in the manner aforesaid, notwithstanding that his appointment may otherwise be valid;
- (4.) No more than two agents for any candidate shall be entitled to be present at the same time at the counting of the votes;
- (5.) When the returning officer has fixed the time and place for the counting of the votes, he shall forthwith serve the agents appointed to attend at the counting of the votes with notice, in writing, of the time and place at which he will begin to count the same; which notice shall be served a reasonable time before the time fixed for the counting of the votes: Such notice shall be deemed to have been served upon the agent, if the same shall have been transmitted through the post-office, by registered letter, directed to such agent at his address for service;
- (6.) The returning officer, his assistants and clerks, and the candidates and their agents, are entitled to be present at the counting of the votes; and no other person is entitled to be present without the sanction of the returning officer;
- (7.) Before the returning officer proceeds to count the votes, he shall, in the presence of the agents of the candidates, open every ballot box, and, taking out the papers therein, shall count and record the number thereof, and then mix together all the ballot papers contained in all the ballot boxes;
- (8.) At the time and place appointed, the returning officer shall proceed with the counting of the votes; and he shall decide

Returning officer to arrange to count votes in presence of Candidate's Agents.

Appointment of Agents, and notice thereof, and of address.

Exclusion of Agents.

Number.

Notice to Agents of time and place of counting.

Who may be present.

Opening boxes

Counting votes

every question arising in respect of any ballot paper, but his decision shall be subject to reversal on petition questioning the election or return ;

Concealing the numbers.

(9.) The returning officer, while counting and recording the number of ballot papers, and counting the votes, shall keep the ballot papers with their faces upwards, and shall take all proper precautions for preventing any person from seeing the numbers printed on the backs of the papers ; 5

Diligence to be used in counting.

(10.) The returning officer shall, so far as practicable, proceed continuously with the counting of the votes, allowing only time for refreshments, and excluding (except so far as he and the candidates or agents otherwise agree in writing) the hours between six o'clock at night and nine o'clock on the succeeding morning ; 10

Papers to be sealed up whilst counting not proceeded with.

(11.) During the excluded time, the returning officer shall place the ballot papers and other documents relating to the election under his own seal and the seals of such of the agents of the candidates as desire to affix their seals, and shall otherwise take proper precautions for the security of the papers and documents ; 15

Certain papers not to be counted.

(12.) Any ballot paper which has not on its back the name or initials of the deputy-returning officer, signed by him in the manner prescribed, or on which votes are given to more candidates than one, or on which anything except the said number on the back is written or marked by which the voter can be identified, shall be void and shall not be counted ; 20

Rejection of papers.

(13.) The returning officer shall endorse "rejected" on any ballot paper which he may reject as invalid, and shall endorse "rejection objected to," if an objection be made by any agent to his decision ; 25

Report of rejections of papers, transmission and copies thereof.

(14.) The returning officer shall make a report, in writing, of the number of ballot papers rejected and not counted by him, which report shall be made under the several heads of— 30

1. Want of signature or initials of deputy-returning officer ;
2. Voting for more candidates than entitled to ;
3. Writing or mark by which voter could be identified ; 35
4. Unmarked or void for uncertainty ;

And shall transmit such report, together with his return, to the clerk of the crown in chancery, and shall, on request, permit any agents of the candidates, before such report is so transmitted, to make copies of the same ; 40

Sealing up papers.

(15.) Upon the completion of the counting of the votes, the returning officer shall seal up, in separate packets, the counted and rejected ballot papers ;

Certain packets not to be opened ; verification of ballot paper accounts

(16.) The returning officer shall not open the sealed packet of tendered ballot papers, or the packet containing the voters' list and the counterfoils of the ballot papers, but shall proceed, in the presence of the agents of the candidates, to verify the ballot-paper account given by each deputy-returning officer, by comparing it with the number of ballot papers received by him as aforesaid, and the unused and spoiled ballot papers in his possession, and the tendered votes list, and shall re-seal each sealed packet after examination ; 45

Report and transmission of result of verification,

(17.) The returning officer shall make a report in writing of the result of such verification, and transmit the same, together with his return, to the clerk of the crown in chancery ; and shall, on request, permit any agents of the candidates, before such report is so transmitted, to make copies of the same ; 50

Declaration of result.

(18.) The returning officer shall, as soon as he has ascertained the result of the poll, by counting the votes given to each can-

didate, forthwith declare to be elected the candidate to whom the majority of votes have been given.

(19.) Where an equality of votes is found to exist between the candidates and the addition of a vote would entitle any of such candidates to be declared elected, the returning officer, may give such additional vote, but shall not in any other case be entitled to vote at an election for which he is returning officer.

Officer may vote in case of equality of votes.

RETURN, PRESERVATION OF DOCUMENTS, &c.

20. The returning officer shall, within ten days after he has ascertained the result of the poll, make and transmit his return to the clerk of the crown in chancery, and shall, at the same time, transmit to the clerk of the crown in chancery all the packets of ballot papers in his possession, together with the said reports, the ballot paper accounts, tendered votes lists, lists of votes marked by the deputy-returning officer, statements relating thereto, declarations of inability to read or mark packets of counterfoils, and voters' lists with documents annexed thereto, sent by each deputy-returning officer, endorsing on each packet a description of its contents, and the date of the election to which they relate, and also the name of the electoral division for which such election was held; and the said return and the said packets and documents, so directed as aforesaid, to be transmitted to the clerk of the crown in chancery, may be transmitted through the post office, the same being first duly registered.

Returning Officer to transmit to Clerk of the Crown in Chancery his return, ballot papers, &c.

21. The returning officer shall also, before transmitting his return to the clerk of the crown in chancery, upon application deliver to each of the candidates, or their agents, or if no application be made, shall, within the same period, transmit by mail to each candidate a duplicate of such return; which duplicate shall stand in lieu of an Indenture.

Officer to transmit duplicate of return to each Candidate

22. The clerk of the crown in chancery shall retain, for the period of one year, all documents relating to an election forwarded to him, in pursuance of this Act, by a returning officer, and then, unless otherwise directed by a rule or order of one of Her Majesty's superior courts, or a judge thereof, shall cause them to be destroyed.

Clerk in Chancery to retain returns for one year.

23. No person shall be allowed to inspect any rejected ballot papers in the custody of the clerk of the crown in chancery, except under the rule or order of one of Her Majesty's superior courts, or a judge thereof; such rule or order to be granted by such court or judge on being satisfied by evidence on oath that the inspection or production of such ballot papers is required for the purpose of instituting or maintaining a prosecution for an offence in relation to ballot papers, or for the purpose of a petition questioning an election or return: and any such order, for the inspection or production of ballot papers may be made, subject to such conditions as to persons, time, place, and mode of inspection or production, as the court or judge making the same, may think expedient, and shall be obeyed by the clerk of the crown in chancery.

Non-inspection of rejected ballot papers with the clerk.

24. No person shall, except by order of a tribunal having cognizance of petitions complaining of undue returns or undue elections, open the sealed packets of counterfoils, after the

Non-inspection of Counterfoils and ballot papers with the Clerk

same have been once sealed up ; or be allowed to inspect any counted ballot papers in the custody of the clerk of the crown in chancery ; and such order may be made subject to such conditions as to persons, time, place, and mode of opening or inspection as the tribunal making the order may think expedient : 5
 Provided that on making and carrying into effect any such order, care shall be taken that the mode in which any particular elector has voted shall not be discovered until he has been proved to have voted, and his vote has been declared by a competent tribunal to be invalid. 10

Inspection of
 certain documents with the
 Clerk.

25. All documents forwarded by a returning officer, in pursuance of this Act, to the clerk of the crown in chancery, other than ballot papers and counterfoils, shall be open to public inspection, at such time and under such regulations as may be prescribed by the clerk of the crown in chancery, with the 15 consent of the Speaker of the Legislative Assembly ; and the clerk of the crown in chancery, shall supply copies of or extracts from the said documents to any person demanding the same, on payment for the same at the rate of ten cents for each folio of one hundred words, and in computing the 20 number of words in such copy or extract every figure shall be counted as a word.

Evidence as to
 documents,
 ballot papers,
 &c., in certain
 cases.

26. Where a rule or order is made for the production by the clerk of the crown in chancery, of any document in his possession relating to any specified election, the production of the do- 25 cument by such clerk or his agent, in such manner as may be directed by the rule or order, shall be conclusive evidence that such document relates to the specified election : and any endorsement appearing on any packet of ballot papers produced by such clerk of the crown in chancery or his agent, shall be 30 evidence of such papers being what they are stated to be by the endorsement : and the production from proper custody of a ballot paper purporting to have been used at any election, and of a counterfoil marked with the same printed number, and having a number marked thereon in writing, shall be deemed *prima* 35 *facie* evidence that the person who voted by such ballot paper was the person who, at the time of such election, had prefixed to his name in the voters' list used for the polling subdivision in which he voted at such election, the same number as the number written on such counterfoil : or in the case of tendered ballot 40 papers marked in the manner hereinbefore provided, by persons not named in the voters' list, the production from the proper custody of any such ballot paper, purporting to have been used at any election, and of a counterfoil, marked with the same printed number, and having a name written thereon, (other than 45 the name of the deputy-returning officer), shall be deemed *prima facie* evidence that the person who voted by such ballot paper was the person whose name was so written as aforesaid on such counterfoil.

OFFENCES.

Offences.

27. No person shall

(a) Forge or counterfeit or fraudulently alter, deface or fraudulently destroy any ballot paper, or the name or initials of the deputy-returning officer signed thereon : or

(b) Without due authority supply any ballot paper to any person : or

50

(c) Fraudulently put into any ballot box any paper other than the ballot paper, which he is authorized by law to put in : or

(d) Fraudulently take out of the polling place any ballot paper : or

5 (e) Without due authority destroy, take, open, or otherwise interfere with any ballot box or packet of ballot papers then in use for the purposes of the election :

(2.) No person shall attempt to commit any offence specified in this section ;

10 (3.) Any person guilty of any violation of this section, shall be liable, if he be a returning officer, to imprisonment for any term not, exceeding two years, with or without hard labour, and if he be any other person, to imprisonment for any term not exceeding six months, with or without hard labour. Penalty by imprisonment.

15 28. The property in the ballot boxes, ballot papers, counter-foils, and marking instruments procured for or used at an election, shall be in Her Majesty. Property in ballot boxes, papers, &c., to be in Her Majesty.

20 29. Every officer and clerk who is guilty of any wilful misfeasance, or any wilful act or omission in contravention of this Act, shall in addition to any other penalty or liability to which he may be subject, forfeit to any person aggrieved by such misfeasance, act or omission, a penal sum of four hundred dollars. Money penalty for offences against this Act.

MAINTAINING SECRESY OF PROCEEDINGS¹

25 30. Every officer, clerk and agent in attendance at a polling place, shall maintain and aid in maintaining the secrecy of the voting at the polling place ; and shall not communicate before the poll is closed to any person any information as to the number on the voters' list of any person who has or who has not applied for a ballot paper or voted at that polling place. Maintaining secrecy of proceedings.

30 (2.) No officer, clerk, or agent, and no person whosoever, shall interfere with or attempt to interfere with a voter when marking his vote or otherwise attempt to obtain at the polling place information as to the candidate for whom any voter at such polling place is about to vote or has voted.

35 (3.) No officer, clerk, agent or other person shall communicate at any time to any person any information obtained at a polling place as to the candidate for whom any voter at such polling place is about to vote or has voted, or as to the number on the back of the ballot paper given to any voter at the polling place, or upon the counterfoil which was attached to such ballot paper, or as to the number prefixed to the name of such voter in the voters' list.

40 (4.) Every officer, clerk and agent in attendance at the counting of the votes, shall maintain and aid in maintaining the secrecy of the voting, and shall not attempt to ascertain at such counting, the number on the back of any ballot paper, or communicate any information obtained at such counting as to the candidate for whom any vote is given in any particular ballot paper.

50 (5.) No person shall, directly or indirectly, induce any voter to display his ballot paper after he shall have marked the same, so as to make known to any person the name of the candidate for or against whom he has so marked his vote.

(6.) Every person who acts in contravention of this section, shall be liable on summary conviction before a stipendiary Penalty for contravening this section.

magistrate, police magistrate, or two justices of the peace, to imprisonment for any term not exceeding six months, with or without hard labour.

Statutory declaration of secrecy.

31. Every returning officer and every officer, clerk or agent, authorized to attend at a polling place, or at the counting of the votes, shall, before the opening of the poll, make a statutory declaration of secrecy, in the presence, if he is the returning officer, of a justice of the peace, and, if he is any other officer, or a clerk or an agent, in the presence of a justice of the peace or of the returning officer : and such statutory declaration of secrecy shall be in the form mentioned in schedule F. to this Act, or to the like effect.

No one compellable to disclose his vote.

32. No person who has voted at an election, shall in any legal proceeding to question the election or return, be required to state for whom he has voted.

GENERAL PROVISIONS.

Candidates may undertake duties of an Agent.

33. A candidate may himself undertake the duties which any agent of his, if appointed, might have undertaken, or may assist his agent in the performance of such duties, and may be present at any place at which his agent may in pursuance of this Act be authorized to attend.

Expressions in the Act referring to Agents.

34. Where in this Act any expressions are used, requiring or authorizing any act or thing to be done, or inferring that any act or thing is to be done in the presence of the agents of the candidates, such expressions shall be deemed to refer to the presence of such agents of the candidates as may be authorized to attend, and as have in fact attended at the time and place where the such act or thing is being done ; and the non-attendance of any agents or agent at such time and place shall not, if the act or thing be otherwise duly done, invalidate in anywise the act or thing done.

Non-attendance of Agents.

Non-judicial days.

35. In reckoning time for the purposes of this Act, Sunday and any day set apart by any Act of lawful authority for a public holiday, fast, or thanksgiving, shall be excluded ; and where anything is required by this Act, to be done on any day which falls on such days, such thing may be done on the next juridical day.

Expenses incurred by officers to be refunded.

36. The reasonable expenses incurred by the returning officer, and by the other officers and clerks, for printing, providing polling compartments, transmission of the packets required to be transmitted by this Act, and reasonable fees and allowances for services rendered under this Act, shall be paid to the Returning officer out of the consolidated Revenue Fund of the Province, and shall be distributed by him to the several persons entitled thereto, which distribution he shall report to the Lieutenant-Governor through the Provincial Secretary.

No election to be invalid for want of compliance with terms if in compliance with principles of the Act.

37. No election shall be declared invalid by reason of a non-compliance with the rules contained in this Act as to the taking of the poll or the counting of the votes or by reason of any mistake in the use of the forms contained in the schedules to this Act, if it appear to the tribunal having cognizance of

the question, that the election was conducted in accordance with the principles laid down in this Act, and that such non-compliance or mistake did not affect the result of the election.

- 38.** This Act, shall so far as is consistent with the tenor thereof, be construed as one with the Election Law of 1868, the Controverted Elections Act of 1871, the Election Act of 1873, and with any enactments otherwise relating to the subject matter of this Act; and in construing the said enactments, the mode of election and of taking the poll established by this Act, shall, for the purposes of the said enactments be deemed to be substituted for the mode of election or poll or taking the votes by poll, referred to in the said enactments: and any person applying for a ballot paper under this Act shall be deemed to tender his vote, or to assume to vote; and any person shall be deemed to have voted, who shall have put his ballot paper into the ballot box, or shall have caused the same to be put into the ballot box, or shall have delivered the same to the deputy returning officer or poll clerk, for the purpose of having the same placed in the ballot box.

Construction of the Act in connection with election Acts.

What shall be deemed a tender of a vote, and a voting.

ENACTMENTS AMENDED AND REPEALED.

- 39.** The following amendments are hereby made:—

(1.) Subsection one of section thirty-one of the Election Law of 1868, is hereby repealed, and the following is enacted in lieu thereof:—

32 Vic., c. 21, s. 31, cl. 1, amended.

- 31.** For the purpose of taking the votes at any such election the returning officer shall by a commission under his hand and in the form 'F.' of the said schedule, appoint some suitable person to be deputy-returning officer for every such polling sub-division in which a polling place is to be opened and kept, and shall thereby require such deputy-returning officer to open and hold the poll according to law, at the time and place fixed as hereinbefore provided, and at such poll to take and record in the voters' list, the particulars relating to electors voting at the said polling place, which by the Ballot Act of 1874, he is directed to take and record."

Appointment of Deputy Returning Officers.

- (2.) Form "F." referred to in the thirty-first section of the Election Law of 1868 is hereby repealed and the form set forth in schedule G. to this Act, is substituted in lieu thereof.

S 31 from F. amended.

- (3.) Section thirty eight of the Election Law of 1868 is hereby repealed, and the following is enacted in lieu thereof:—

S. 38, amended

- 38.** Every deputy returning officer shall at the close of the poll, certify under his signature on the voters' list in full words, the total number of persons who have voted at the polling place at which he has been appointed to preside."

Deputies to certify the number of voters.

- (4.) Form "M." referred to in sub-section one of section forty nine of the Election Law of 1868, is hereby repealed and the form in schedule H. to this Act, is substituted in lieu thereof.

S. 49, cl. 1, amended.

- (5.) Form "N." referred to in subsection two of section forty-nine of the Election Law of 1868 is hereby repealed, and the form set forth in schedule I to this Act is substituted in lieu thereof.

S. 49, cl. 2, amended.

- (6.) Section "fifty" of the Election Law of 1868 is hereby amended, by substituting the word "Act" for the word "section" where it occurs therein.

S. 50, amended.

- (7.) Section "fifty-one" of the Election Law of 1868 is hereby repealed, and the following is enacted in lieu thereof:

S. 51, amended.

Deputies to
make certain
returns to re-
turning officer.

"51. The deputy-returning officer shall deliver or cause to
"be delivered to the returning officer, together with the packets
"and documents referred to in the Ballot Act of 1874, the said
"commissions of the deputy-returning officer and poll clerk, their
"respective oaths of office, and the said oaths in the forms M. 5
"and N. which commissions and oaths shall be annexed to the
"voters' list."

Construction
of the words
"Voters List."

(8.) From and after the passing of this Act the expression
"voters' list" shall be substituted for, and read instead of,
the expression "poll book," where in any enactment relating to 10
elections of members of the Legislative Assembly of the Pro-
vince of Ontario the expression "poll book" is used; and by
the expression "voters' list" so to be substituted and read as
aforesaid, shall be meant the copy or duplicate of the voters'
list furnished in accordance with subsection four of section 15
number twenty-six of the Election Law of 1868; which copy
or duplicate, and also the list of voters referred to in sections
numbers thirty-four and thirty-five of the Election Law of 1868,
shall from and after the passing of this Act, be prepared accord-
ing to the form in schedule K. to this Act. 20

32 Vic., c. 21,
s. 26, cl. 4 and
ss. 34, 35,
amended by
Schedule K.

32 Vic., c. 21,
ss. 39, 40, 44,
52, 56, and cl.
2, of s. 42,
repealed.

(9.) Sections numbers "thirty-nine," "forty," "forty-four,"
"fifty-two" and "fifty-six," and subsection "two" of section
"number forty-two" of the Election Law of 1868, are hereby
repealed.

Transmission
to Returning
Officers of
copies of elec-
tion Acts and
of this Act.

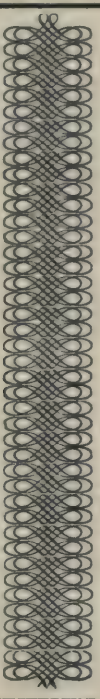
40. There shall be transmitted to each returning officer, with 25
the writ of election, such a number of copies of The Election
Law of 1868, The Controverted Elections Act of 1871, The
Election Act of 1873, and of this Act, as shall be sufficient to
supply such returning officer and each of his deputies at the
election with one copy at least of the said Acts: and each 30
copy of the said Acts shall be accompanied with a copious
alphabetical index.

Short title.

41. This Act may be cited for all purposes as "*The Ballot
Act of 1874.*"

SCHEDULE "A."

*Form of Ballot Paper.**(Front.)*

Election for the County of _____ (or , as the case may be)		1	DOE. (John Doe, Township of Southwold, County of Elgin, Yeoman.)	
Counterfoil, No.		2	ROE. (Richard Roe, of Town of Goderich, County of Huron, Merchant.)	
No. on Voter's List.		3	STILES. (Geoffrey Stiles, of 52 Talbot Street, London, Physician.)	
<i>Note.—The Counter- foil is to have a number to correspond with that on the back of the Ballot Paper.</i>		4	STILES. (John Stiles, of 31 Gros- venor Street, Toronto, Barrister at Law.)	

(Back.)

No.
 Election for the County of _____ (or, as the case may be).

18

NOTE.—Nothing is to be printed on the back of the Counterfoil.

SCHEDULE B.

(Referred to in section number Four of this Act.)

DIRECTIONS FOR THE GUIDANCE OF VOTERS IN VOTING.

The voter is to vote for one candidate.

The voter will go into one of the compartments, and, with the pencil provided in the compartment, place a cross on the right hand side, opposite the name of the candidate for whom he votes, thus x.



The voter shall then fold up the ballot paper so as to show the name or initials of the deputy-returning officer signed on the back, and leaving the compartment shall, without showing the front of the paper to any person, deliver such ballot so folded to the deputy-returning officer and forthwith quit the polling place.

If the voter inadvertently spoils a ballot paper, he can return it to the officer, who will, if satisfied of such inadvertence, give him another ballot paper.

If the voter votes for more than one candidate, or places any mark on the paper by which he may be afterwards identified, his ballot paper will be void, and will not be counted.

If the voter takes a ballot paper out of the polling place, or deposits in the ballot box any other paper than the one given to him by the officer, he will be subject to imprisonment for any term not exceeding six months, with or without hard labour.

In the following form of Ballot Paper, given for illustration, the Candidates are JOHN DOE, RICHARD ROE, GEOFFERY STILES, and JOHN STILES, and the Elector has marked his ballot paper in favor of RICHARD ROE.

	1	DOE. (John Doe, Township of Southwold, County of Elgin, Yeoman.	
	2	ROE. (Richard Roe, of Town of Goderich, County of Huron, Merchant.	
	3	STILES. (Geoffery Stiles, of 52 Talbot Street, London, Physician.	
	4	STILES. (John Stiles, of 31 Grosvenor Street, Toronto, Barrister-at-Law.)	

SCHEDULE C.

(Referred to in section Twelve of this Act.)

FORM OF DECLARATION OF INABILITY TO READ.

I, A. B., of _____, being numbered _____ on the voters' list for polling subdivision No. _____ in the Electoral Division of _____ do hereby declare that I am unable to read, (or that I am from physical incapacity unable to mark a voting paper, *as the case may be.*)

The _____ day of _____ A. D. 18 _____ A. B. (His x mark.)

SCHEDULE D.

(Referred to in section Twelve of this Act.)

FORM OF ATTESTATION CLAUSE TO BE WRITTEN UPON OR ANNEXED TO THE DECLARATION OF INABILITY TO READ.

I, the undersigned, being the deputy-returning officer for polling subdivision No. for the Electoral Division of do hereby certify that the above *(or as the case may be)* declaration having been first read to the above-named A. B., was signed by him in my presence with his mark.

(Signed) C. D.,
Deputy Returning-Officer for polling
subdivision No. in the Electoral
Division of

Dated this day of A. D. 18 .

SCHEDULE E.

(Referred to in section Fourteen of this Act.)

FORM OF OATH.

1. You swear *(or, solemnly affirm)* that you believe that your name ought to have been entered upon the voters' list to be used for the polling subdivision of the Township *(or, as the case may be)* of in the Electoral Division of at the present election, and that your name has been improperly omitted from such voters list.

2. You also swear *(or, solemnly affirm)* that at the time of the last final revision and correction of the assessment roll upon which the voters' list used at this election for this Township *(or, as the case may be)* is based, you were entered on such assessment roll, and also that you were *(and, if the fact be so, still are)* actually, truly, and in good faith possessed to your own use and benefit as owner *(or, tenant, or, occupant, as the case may be)* of the real estate in respect of which you were so entered as aforesaid on the said assessment roll; *(or, if the person has parted with such possession, then insert these words, "that you are still a resident of this Electoral Division")*: and that such real estate was, at the time of the last final revision and correction of the said assessment roll, assessed upon such roll as being of the actual value of hundred dollars at least *(in cities of four hundred dollars, in towns of three hundred dollars, and in townships and incorporated villages of two hundred dollars)*:

3. That you are a subject of Her Majesty by birth or naturalization: that you are of the full age of twenty-one years.

4. That you have not voted before at this election, either at this or any other polling place: that you have not received anything, nor has anything been promised you, either directly or indirectly, either to induce you to vote at this election, or for loss of time, travelling expenses, hire of team, or any other service connected therewith: and that you have not directly or indirectly paid or promised anything to any person either to induce him to vote or to refrain from voting at this election. So help you God.

SCHEDULE F.

(Referred to in section Thirty-one of this Act.)

FORM OF STATUTORY DECLARATION OF SECRECY.

I solemnly promise and declare that I will not at this election for the Electoral Division of _____ *(as the case may be)* do anything forbidden by section _____ of The Ballot Act of 1874, which section has been read to me.

NOTE.—*The section must be read to the declarant by the person taking the declaration.*

SCHEDULE G.

(Referred to in section Thirty-nine of this Act)

“FORM F. REFERRED TO IN THE THIRTY-FIRST SECTION OF THIS ACT.”

“Commission of Deputy-Returning Officer.”

‘To G. H. *(Insert his residence and legal addition.)*

“Know you, that in my capacity of Returning Officer for the Electoral Division of _____ I have appointed and do hereby appoint you to be Deputy-Returning Officer for the _____ polling subdivision of the Township *(or as the case may be)* of _____ in the said Electoral Division, there to take the votes of the electors according to law, at the polling place to be by you opened and kept for that purpose, and you are hereby authorized and required to open and hold the poll of such election for the said _____ polling subdivision of the said Township *(or as the case may be)* of _____ on the _____ day of _____ A. D. 18 _____, at nine o'clock in the forenoon, at *(here describe particularly the place in which the poll is to be held)*, and there to keep the said poll open during the hours prescribed by law, and to do and perform in such polling place all acts and duties required to be performed by the Deputy-Returning Officer appointed to act therefor, and to return to me on or before the _____ day of _____ A. D. 18 _____, together with this commission, the several packets and documents required to be returned to me in the manner prescribed by section _____ of The Ballot Act of 1874.

“Given under my hand at the _____ of _____ in the _____ County *(or as the case may be)* of _____ this _____ day of _____ A. D. 18 _____.

“*(Signed)*

A. B.,
“Returning Officer.”

SCHEDULE H.

(Referred to in section Thirty-nine of this Act.)

“FORM M. REFERRED TO IN THE FORTY-NINTH SECTION OF THIS ACT.”

“Oath of the Poll Clerk after closing of the poll.”

“I, the undersigned, Poll Clerk for the _____ polling subdivision of the Township *(as the case may be)* of _____ in the

"Electoral Division of do solemnly swear (*or if he be a person permitted by law to affirm, do solemnly affirm*) that the annexed voters' list used in and for the said polling subdivision of the said Township (*or as the case may be*), under the direction of C. D., who has acted as Deputy-Returning Officer for such polling subdivision, has been so used by me under his direction as aforesaid, and that the entries required by law to be made therein have been so made by me correctly and to the best of my skill and judgment.

"(Signed)

E. F.

"Poll Clerk."

"Sworn (*or affirmed*) and subscribed before me at this day of A. D. 18 .

"(Signed)

X. Y.,

"Justice of the Peace.

"(Signed)

A. B.,

"Returning Officer.

"(Signed)

C. D.,

"Deputy-Returning Officer."

NOTE.—*The foregoing oath is to be annexed to the voters' list used at the election.*

SCHEDULE I.

(Referred to in section Thirty-nine of this Act)

"FORM N. REFERRED TO IN THE FORTY-NINTH SECTION OF THIS ACT."

"Oath of the Deputy-Returning Officer after the closing of the poll."

"I, the undersigned, Deputy-Returning Officer for the polling subdivision of the Township (*or as the case may be*) of in the Electoral Division of do solemnly swear (*or if it be a person permitted by law to affirm, do solemnly affirm*) that to the best of my knowledge the annexed voters' list used in and for the said polling subdivision of the said Township (*or as the case may be*), was so used under my direction in the manner prescribed by law, and that the entries required by law to be made therein were correctly made.

"(Signed)

C. D.,

"Deputy-Returning Officer.

"Sworn (*or affirmed*) before me at this day of A. D. 18 .

"(Signed)

X. Y.,

"Justice of the Peace.

"Or A. B.,

"Returning Officer."

NOTE.—*The foregoing oath is to be annexed to the voters' list used at the election.*

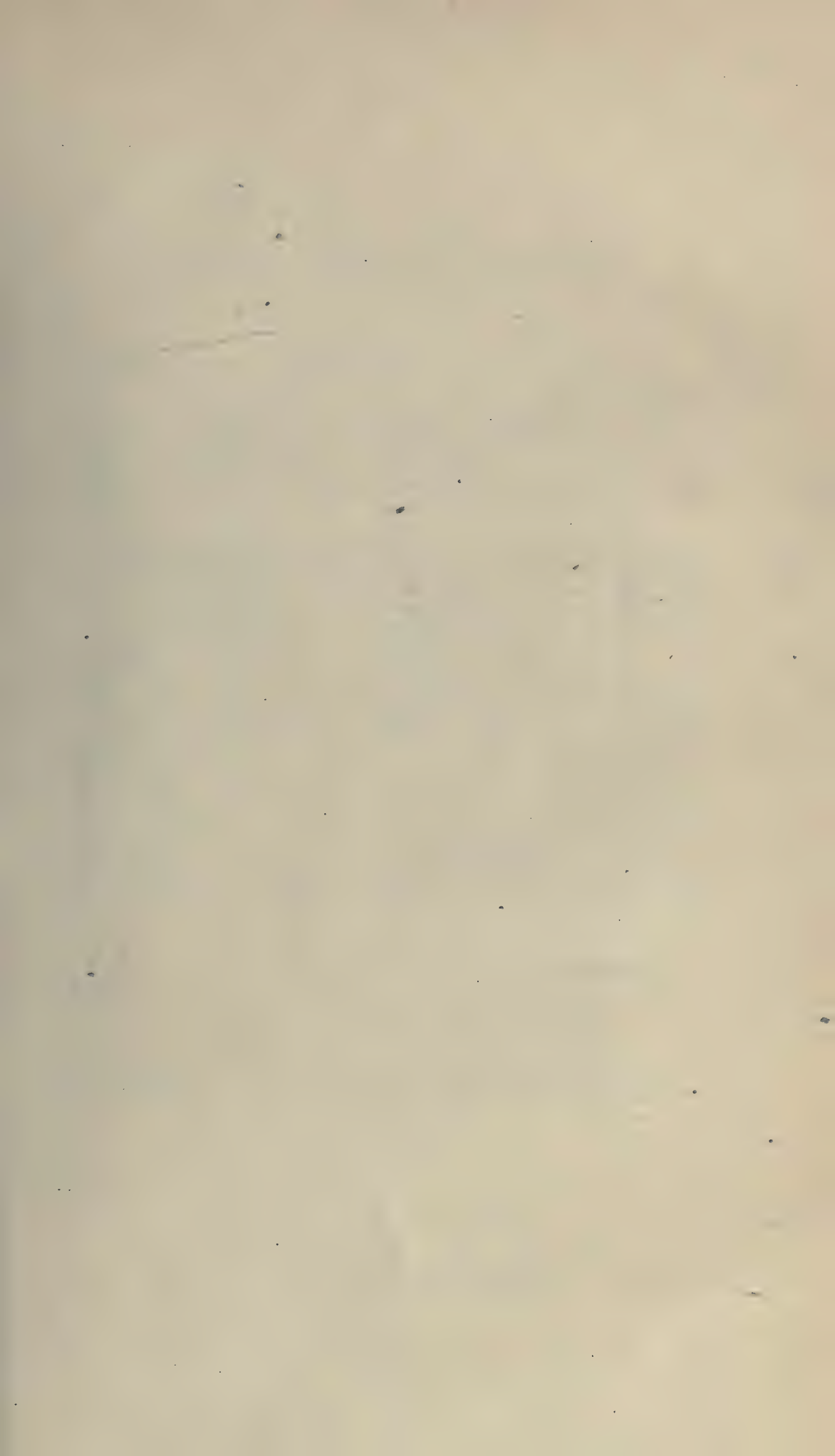
SCHEDULE K.

Referred to in Section Thirty-nine of this Act.

FORM IN WHICH THE VOTERS' LIST TO BE FURNISHED TO DEPUTY-RETURNING OFFICERS IS TO BE PREPARED.

Number prefixed.	NAMES OF THE VOTERS.	Description of Property in respect of which Voter is entitled to vote.	Owner, Tenant, or Occupant.	Residence of Voter.	Legal addition.	Objections.	Sworn or affirmed.	Refusal to swear or affirm.	Column for mark indicating that the voter has voted.	REMARKS.

NOTE.—The Numbers directed by section of this Act to be prefixed by the deputy-returning officer to the names in the Voter's list are to be placed in the first column.



No. 13.

3rd Session, 2nd Parliament, 37 Viet., 1874.

BILL.

An Act to provide for voting by Ballot at
Elections to the Legislative Assembly.

1st Reading, 3rd February, 1874.

Hon. Attorney-General MOWAT.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act to provide for the Inspection of Railways.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

1. With respect to Railways which come within the legislative authority of this Province and to which the provisions of the Railway Act, chapter sixty-six of the Consolidated Statutes of Canada, and the Acts amending the same apply, the notice required by the one hundred and sixty-fifth section of the said Railway Act to be given to the Board of Railway Commissioners, is henceforward to be given to the Commissioner of Public Works of this Province ; and all the powers, rights and duties which are by the said Acts given and assigned to the Board of Railway Commissioners, shall be exercised and performed by the said Commissioner of Public Works ; and the powers given by the said Acts to the Governor in Council shall be possessed and exercised by the Lieutenant-Governor in Council ; and the said Acts shall hereafter be read and construed as if the words " Commissioner of Public Works," and " Commissioner" were respectively substituted for the words " Board of Railway Commissioners " and " Board," wherever the latter words occur in said Acts, and as if the words " Lieutenant-Governor " were substituted for the word " Governor," wherever the word " Governor " occurs in said Acts.

Notice of intention to open Railway to be given to Commissioner of Public Works

Powers of Board of Railway Commissioners and Governor in Council to be exercised by Commissioner of Public Works and the Lieutenant-Governor.

2. The returns required by the one hundred and fifteenth section of the said Act, to be made to the three branches of the Legislature of the late Province of Canada, are henceforward to be made to the Provincial Secretary of Ontario.

Returns.

3. Sections one hundred and seventy-eight and one hundred and seventy-nine of chapter sixty-six of the Consolidated Statutes of Canada are hereby repealed.

C.S.C. cap. 66 ss. 178, 179 repealed.

3rd Session, 2nd Parliament, 37 Vict., 1874.

BILL.

An Act to provide for the Inspection of
Railways.

1st Reading, 3rd February, 1874.

Hon. Attorney-General Mowat.

TORONTO:

Printed by HUNTER, ROSE & Co.

An Act to amend the "The Assessment Act of 1869," in respect of Land Tax Sales.

WHEREAS the present mode of selling lands in arrears for taxes is calculated to retard the settlement and improvement of such lands, and it is advisable to make a change in the law in respect to said sales; Preamble.

5 Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Sections one hundred and thirty-eight, one hundred and forty, one hundred and forty-one, one hundred and forty-four, one hundred and forty-six, one hundred and forty-nine, one hundred and fifty, and all other sections or parts of said "Assessment Act of 1869," and section eight of the Act passed in the thirty-third year of the reign of Her Majesty Queen Victoria, and chaptered twenty-seven, or of any other Act of this Province, inconsistent with this Act, are hereby repealed, and the following provisions substituted therefor, to be read as if incorporated with and forming a part of said Act of one thousand eight hundred and sixty-nine, under the heading of "County Treasurer, Local Treasurer, Clerks and Assessors," their duties. Parts of 32 Vic. ch. 36., as well as other inconsistent Acts or part of Acts repealed.

2. In lieu of said section one hundred and thirty-eight, if the taxes have not been previously collected, or if no person appears to pay the same at the time and place appointed for the sale, the treasurer shall offer the land for sale by public auction, and, in doing so, shall make and declare the amount stated in the list or advertisement as the taxes due, together with his commission and charges, the upset price on each respective lot or parcel of land, as offered for sale, and shall then sell the same to the highest bidder, or to such person as shall be willing to take it at said upset price, if there be no higher bid; but subject to redemption as provided for: Mode in which the lands will be sold by treasurer.

1. If the land will not sell for the full amount of arrears of taxes due and charges, the treasurer shall then and there sell for any sum he can realize, and shall accept such sum as full payment of such arrears of taxes; but the owner of any land so sold shall not be at liberty to redeem the same except upon payment to the county treasurer of the full amount of taxes due, with ten per centum thereon, together with the expenses of sale, and the treasurer shall account to the local municipality for the amount realized in such case, over and above his charges, and to the tax purchaser for the amount of his purchase-money only, with ten per centum thereon; When land does not sell for full amount of taxes.

2. If the land sells for a greater sum than the taxes due, together with said commission and charges, the purchaser shall only When the land sells for

greater
amount than
the taxes, &c

be required to pay at the time of sale the amount of said taxes, commission and charges, and the balance of the purchase-money shall be payable within one calender month after the time of redemption of said land shall have expired, without the same having been redeemed within the time limited, and if the said balance of purchase-money shall not be so paid by the purchaser, his heirs or assigns within the time above prescribed, he and they shall forfeit all claim to said land, and to any deed or conveyance thereof, as well as to the amount paid at time of sale, and said land shall thereupon cease to be affected by said sale as if it had been duly redeemed. 5 10

When purchaser fails to pay purchase-money, duty of treasurer.

3. In lieu of said section one hundred and forty, if the purchaser of any parcel of land fails immediately to pay to the treasurer, on account of said purchase, the amount claimed for arrears of taxes and charges, or such lesser sum as he may have purchased for, the treasurer shall forthwith again put up the property for sale. 15

Treasurer to give purchaser a certificate of land sold, stating condition of sale, &c

4. In lieu of said section one hundred and forty-one, the treasurer, after selling any land for taxes, shall give a certificate, under his hand, to the purchaser, describing the land as advertised, the interest therein sold, the sum for which it had been sold and the expenses of sale; and further stating that a deed conveying the same to the purchaser or his assigns, according to the nature of the estate or interest sold, will be executed by the warden and treasurer, on his or their demand, within one month after the expiration of one year from the date of the certificate, if the land be not previously redeemed, and upon payment of the balance of purchase-money remaining over and above the amount paid at the time of sale, and upon payment of the treasurer's fee for said deed. 20 25 30

Treasurer's commission.

5. In lieu of said section one hundred and forty-four, every treasurer shall be entitled to two and a half per centum commission upon the sums collected by him at the time of sale, as well as his charge or commission upon any purchase-money subsequently paid in cases of non-redemption, as hereinafter provided. 35

If land not redeemed purchaser entitled to deed on payment of balance, if any, of balance of purchase-money and treasurer's fees.

6. In lieu of section one hundred and forty-nine, if the land be not redeemed within the period allowed for its redemption by section one hundred and forty-eight of said "Assessment Act of 1869;" then on the demand of the purchaser or his assigns, or other legal representatives, at any time within one month after the expiration of the time limited for redemption, upon payment of the balance of purchase-money, as aforesaid, and of the further sum or charge of two dollars, the treasurer shall prepare and execute with the warden, and deliver to him or them a deed, in duplicate, of the land sold, and the warden shall be entitled to a fee of half a dollar, payable out of said two dollars, for each deed in duplicate so executed by him. 40 45

Contents of deed and effect thereof.

7. In lieu of said section one hundred and fifty, such deed shall be in the form or to the same effect as in Schedule B to said Assessment Act and shall state the date and cause of sale, and the price, and shall have the effect of vesting the land in the purchaser, his heirs or assigns or other legal representatives in fee simple or 50

otherwise according to the nature of the estate or interest sold, and no such deed shall be invalid for any error or miscalculation in the amount of taxes or interest therein in arrear or any error in describing the land as "patented" or "unpatented," or held
 5 under license of occupation.

8. The treasurer shall keep a separate account of all sums paid to him as a balance of purchase money on lands sold for arrears of taxes and not redeemed, and shall enter in a book the amount received over the taxes, commission and charges from
 10 the purchaser of any lot or parcel of land sold by him against said lot or parcel, and the date of sale and receipt of said balance, and the aggregate amounts so received shall form a distinct fund to be called the "Tax Sales Fund," and the treasurer shall, from time to time, furnish a statement to the county council giving
 15 the amount of and other particulars respecting said fund; and whenever any portion of said fund shall have remained in the hands of the treasurer for three years from the day of sale of the land of which it formed part of the purchase money, without any notice of claim or order for payment having been served
 20 on him as hereinafter provided; the said portion or sum so remaining unclaimed shall become forfeited, and after deducting a commission of two and one half per cent for charges of keeping the account, shall be transferred from the "Tax Sales Fund" to the credit of the municipality in which the land sold is situated,
 25 and accounted for in the same manner as other moneys collected for the local municipalities; and the local municipality shall thereupon become possessed of said money for its own use and lawful expenditure.

Treasurer to keep an account of surplus purchase money to be known as the "Tax Sales Fund."

Treasurer to furnish statement to county council.

Forfeiture of surplus moneys after a certain time

Forfeited moneys to be paid over or accounted for to local municipality.

9. The county council may, from time to time, authorize or
 30 require the treasurer to invest the money in his hands belonging to the Tax Sales Fund or any portion thereof, in such manner or on such security as may be prescribed, and all interest or profit accruing from or received on such investments shall enure to the benefit of the county municipality, and shall be ac-
 35 counted for by the treasurer as part of the general revenue less his actual and necessary disbursements for brokerage or otherwise made in connection with said investments: Provided, however, that said county municipality shall be responsible for the principal so invested, and for there being money at the treasurer's
 40 disposal to pay any lawful claim upon said fund.

County Council may authorize treasurer to invest "Tax Sales Fund."

10. Any person claiming to have been the owner or legal representative (not being merely an assignee of the right to demand or receive the money) of the owner of any parcel of land sold for taxes and conveyed by the treasurer, and which shall
 45 have realized more than the amount due for taxes, commission and charges shall be entitled to claim and receive the said overplus or sum held to the credit of said parcel of land in the Tax Sale Fund, provided that a written notice of such claim is served upon the treasurer previous to the time limited for its
 50 forfeiture; and, upon producing and leaving with said treasurer within six months from the date of service of such notice of claim an order signed by a Judge of the County Court of the county in which the sale took place, reciting or declaring that it had been proved to the satisfaction of said judge that the claimant
 55 was at the time of sale the lawful and proper owner of the land in respect to which the claim is made or was and is the executor, administrator (or guardian, in cases of infancy) of said owner,

Claim for surplus before forfeiture how and by whom to be made.

Notice of claim to be given to treasurer.

Judge's order
for payment to
be treasurer
voucher.

and requiring the said treasurer to pay the said surplus purchase money to the order of said claimant, and such or any judge's order for payment of any part of said Tax Sale Fund shall be kept by the treasurer amongst the vouchers or papers in his office, and shall be his warrant and authority for making such payment. 5

Proceedings
to be taken in
order to obtain
judge's order
on treasurer
for payment
out of tax
sales fund.

11. In seeking to obtain a judge's order any claimant upon said fund shall in person or by attorney petition the judge in writing for that purpose, describing the land sold and setting forth the particulars of the sale and the title under which said money is claimed, and shall, at same time, furnish an abstract of the title to said land signed by the registrar of the county and produce such title deeds or other evidence as may be required for proving said title to the satisfaction of said judge; and the facts set forth in said petition shall be verified by the affidavit of the claimant so far as may be necessary to satisfy the judge as to the *bona fide* nature of the claim; and the said judge may in his discretion require the claimant to publish a notice of his said claim and to substantiate his title in any other manner that said judge may deem proper; and he may also in his discretion order the money to be paid into the Court of Chancery in case he shall consider it proper in the interest of an infant or infants, or other claimant, or of any other person not being a claimant to do so; and in such case a copy of his order shall be filed in said court and shall state the reasons why the order was so made; and said money shall be then dealt with by said Court of Chancery in the same manner as other moneys of minors or infants or in dispute in any cause or suit or other wise as the said Court of Chancery shall think fit. 10 15 20 25

Rights of in-
fants protected.

Fees payable
in application
for judge's
order.

12. The same fees shall be paid upon any application made under the last preceding section as are payable in respect of other applications in chambers for a judge's order in any suit or proceeding; and if the judge shall think it advisable to order the money to be paid into the Court of Chancery, or otherwise than into the hands of any claimant or his attorney, he may in his discretion order said fees or the proper costs of the claimant, or any part thereof, to be taken from and paid out of the money which formed the subject of the claim; and in all cases where a claimant shall fail to obtain an order for payment upon said treasurer, he shall bear and pay the costs of the proceedings. 30 35 40

Claim on sur-
plus held to be
an admission
of legality of
sale of the
land.

13. The fact of claiming any surplus held to the credit of any lot sold for taxes, in said Tax Sale Fund, shall be considered as an admission of the validity of the sale of the lot in question, and said claimant, and all claiming by, through or under him or her shall be thereafter debarred from taking any proceeding in law or equity to question or set aside said sale, and no proceeding shall be had or taken to set aside said sale after the two years shall have elapsed from the date of said sale, and said sale shall thereafter be held to be in all respects valid and binding. 45

Party ques-
tioning valid-
ity of sale to
give notice to
treasurer.

14. In case of any suit or proceeding to set aside or question a sale for taxes being commenced within the time above limited the plaintiff in any such suit or proceeding shall within three days after the filing of any bill or the issue of any writ of summons or ejectment, cause the county treasurer to be notified in writing of the fact of such suit or proceeding having been commenced, and the treasurer in such case shall not forfeit any 50 55

- surplus held by him to the credit of the parcel of land in dispute, but shall hold the same subject to the order of any judge or court before whom said suit or proceeding shall or may be tried; and in case the plaintiff succeeds, the said judge or court
- 5 shall order the said surplus to be repaid to the defendant, tax purchaser or his proper representatives, and in case the plaintiff fails in such suit or proceeding to set aside said sale, but proves to the satisfaction of the judge or court that he or she was at the time of such sale the lawful owner of said land and
- 10 the person entitled to the said surplus purchase money according to the true intent of this Act, then in such case the said court or judge shall order said surplus to be paid over to said plaintiff, his or her legal representatives, upon and after payment by said plaintiff of the defendant's taxed costs of defence
- 15 of said suit or proceeding.

Duty of treasurer in case of receiving such notice.

Duty of judge or court as to disposal of surplus in certain cases.

- 15.** The provisions of this Act shall apply to cities and towns as well as to county municipalities, and any act or duty herein required to be done or performed by the warden or treasurer of a county shall in cities be performed by the mayor and chamberlain, and in towns by the mayor and town treasurer, or
- 20 other officials heretofore required by law to perform the duties in connection with tax sales under any existing Act of this Province.

Act to apply to cities and counties.

3rd Session, 2nd Parliament, 37 Victoria, 1874.

BILL.

An Act to amend the Assessment Act of
1869 in respect to Land Tax Sales.

First Reading, 4th February, 1874.

MR. ARDAGH.

TORONTO:

PRINTED BY HUNTER, ROSE & CO.

An Act to Amend the Act entitled "An Act Respecting the Public Works of Ontario."

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Sections numbers one, two, three, five, six, and forty-
5 seven, of the Act passed in the thirty-second year of the reign of Her Majesty, and chaptered twenty-eight, entitled "An Act respecting the Public Works of Ontario," are hereby repealed, and the following substituted in lieu thereof respectively :—
1. There shall be a Department of Public Works for Ontario,
10 over which the "Commissioner of Agriculture and Public Works," for the time being, appointed by Commission under the Great Seal, shall preside, and shall, in respect thereof, be known as the Commissioner of Public Works. Department and Commissioner of Public Works.
2. The Lieutenant-Governor may also appoint an Architect,
15 an Engineer, a Secretary, a Law Clerk, an Accountant, and such other officers as may be necessary for the proper conduct of the business of the Department. Architect, Engineer, Secretary, Law Clerk, Accountant, and other officers.
3. The Lieutenant-Governor may also appoint from time to
time, as many Architects, Engineers, Surveyors, Clerks of Works,
20 Superintendents, Lockmasters, Bridge-tenders, servants, and other officers as he may deem necessary for the construction, maintenance, use, and repair of Public Works, and the property, real or personal, connected therewith or belonging thereto. Temporary Architects, &c
5. It shall be the duty of the Architect to prepare plans,
25 drawings, specifications and estimates, for all Public Buildings, and the works connected therewith, and the grounds thereto belonging, which are about to be constructed, altered, repaired, or laid out by the Department; and, in respect thereof, to report for the information of the Commissioner on any question
30 which may be submitted to him; to examine and revise the plans, drawings, specifications, estimates, and recommendations of other Architects and officers; to prepare all certificates and to check and verify all accounts; to conduct all architectural correspondence; to transmit to the Secretary all out-
35 ward correspondence to be copied in the Public Works' Letter Book, and all documents that require to be filed or registered; to make an annual report to the Commissioner; and generally to advise the Department on all architectural questions submitted to him by the Commissioner: It shall be the duty of
40 the Engineer to prepare maps, plans, drawings, specifications and estimates of all Public Works and lands thereto belonging, which are about to be constructed, altered, repaired, laid out or surveyed by the Department, except those which are by this section as above-mentioned placed under the direction of the
45 Architect; and in respect of such Public Works and lands, to report for the information of the Commissioner on any question which may be submitted to him; to examine and revise the maps, plans, drawings, specifications, estimates and recommendations

Duties of Architect.

Duties of Engineer.

of other Engineers, Surveyors and officers ; to prepare all certificates, and to check and verify all accounts ; to conduct all engineering correspondence ; to transmit to the Secretary all outward correspondence to be copied in the Public Works' Letter Book, and all documents that require to be filed or registered ; 5 to make an annual report to the Commissioner ; and generally to advise the Department on all engineering questions submitted to him by the Commissioner.

Duties of
Secretary.

6. It shall be the duty of the Secretary to conduct all general correspondence connected with the Department, under the instructions of the Commissioner ; to see that all accounts are prepared in duplicate and that one copy of each, properly certified and approved, is sent to the Provincial Treasurer for submission to the Executive Council ; to file all accounts and documents ; to keep the ordinary indexes and also one " Subject Matter Index of the Letter Books and Register ;" to sign requisitions for office supplies and contingencies ; to prepare the Departmental pay-list, draw the money on checks from the Treasurer's office and pay the salaries ; to have charge of the Departmental Seal, and of the Post Office franking stamp ; and generally to do and perform all such acts and things pertaining to the business of the Department as he may from time to time be directed to do and perform by the Commissioner ; and a copy of any map, plan or document in the Department certified by him to be a true copy, and sealed with the seal of the Department, shall be held to be authentic, and shall be *prima facie* evidence of the same legal effect as the original in any Court or elsewhere : It shall be the duty of the Law Clerk to prepare all contracts, bonds, deeds and documents of a legal nature relating to Public Works, and to see that the same are properly executed ; to examine the papers relating to, and to report to the Commissioner upon all applications for the sale of drainage debentures ; to conduct all legal correspondence ; and generally to advise the Department on all legal questions relating to Public Works and the property connected therewith, which may be submitted to him by the Commissioner : It shall be the duty of the Accountant to check all accounts relating to Public Works, and to mark thereon the appropriations to which the same are properly chargeable, and to keep all necessary Books and accounts relating to appropriations for Public Works, and the expenditure in respect thereof. 40

Duties of
Law Clerk.

Duties of
Accountant.

When no
Arbitration
allowed.

47. No arbitration shall be allowed in any case where, by the terms of the contract therein, it is provided that the determination of any matters of difference arising out of or connected with the same, shall be decided by the Commissioner, Architect, 45 or Engineer, or other officer of the Department.

32 Vic. c. 28,
secs. 36, 37, 38
and 39 re-
pealed.

2. Sections thirty-six, thirty-seven, thirty-eight, and thirty-nine of the said Act are hereby repealed.

No. 16.

3rd Session, 2nd Parliament, 37 Victoria, 1

BILL.

An Act to amend the Act entitled " An
Respecting the Public Works of Ontario

First Reading, 4th February, 1874.

Hon. MR. McKELLA

TORONTO :

PRINTED BY HUNTER, ROSE & CO.

An Act to extend the Elective Franchise.

HER Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In addition to the persons hitherto entitled to vote at elections to the Legislative Assembly or Municipal Councils, the right of voting shall hereafter belong to every male person residing at the time of the election in the local municipality in which he tenders his vote; having resided therein continuously since the completion of the last revised assessment roll of the municipality; and possessing the qualifications and performing, the conditions, required by the laws heretofore in force, except as to property:

Who may vote at elections to the Legislative Assembly or Municipal Councils.

Provided, that he derives an income from some trade, calling, office or profession of not less than dollars annually, and is assessed for such income in and by the last revised assessment roll of the municipality.

Income franchise.

2. Where any person has an income derived as aforesaid which is entitled by law to exemption from assessment, he shall not be bound to avail himself of such right to exemption, and, if he thinks fit, he may require his name to be entered in the assessment roll for such income, and the same shall in such case be liable to taxation like other assessable income or property.

Personalty or income exempted from assessment.

3. The clerk of the municipality, when making the alphabetical list of voters required by law, shall include the names of all male persons assessed for income of the value aforesaid.

Voters' list.

4. The oath to be administered under the forty-first section of the Election Law of 1858, to persons entitled to vote under this Act shall, so far as relates to the income qualification, be as follows:

Oath to voters

30 "You swear (or solemnly affirm) that you are the person
"named (or purporting to be named by the name of)
"on the list of voters now shown to you (showing the list to
"voter); that at the time of the last final revision of the
"assessment roll on which this list is based for this township
35 "(city or town, as the case may be) you were, and thenceforward
"have been continuously, and still are a resident of this town-
"ship, (city or town, as the case may be); that at the time of
"the last revision of the assessment roll, upon which the voter's
"list used on this election is based, and for twelve months pre-
40 "viously you were in receipt of an income from your trade
"(office, calling, or profession as the case may be), of a
"of not less than \$."

Penalties.

5. The penalties imposed on all municipal officers under the Assessment Acts, for omitting or refusing to comply with the law, shall be imposed on and recoverable in like manner from all such officers as may refuse or neglect to observe the terms of this Act.

**Construction
of Act.**

6. This Act shall be construed as one with the Election Law of 1868, the Assessment Act of 1869, and the Act respecting Municipal Institutions in the Province of Ontario, and with any other enactments relating to the subject matter of this Act.

No. 17.

3rd Session, 2nd Parliament, 37 Vict., 1874.

BILL.

An Act to extend the Elective Franchise.

1st Reading, 4th February, 1874.

Hon. Mr. McKELLAR.

TORONTO :

PRINTED BY HUNTER, ROSE & CO.

An Act to amend The Assessment Law.

WHEREAS it is expedient to amend The Assessment Act of 1869, and the Act passed in the thirty-third year of Her Majesty's reign, chaptered twenty-seven, amending the said Act ;

5 Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. All real property situate within the Province of Ontario, and owned out of this Province, shall be liable to assessment in the same manner and subject to the like exemptions as other real property under the provisions of the said recited Act. Realty within, but owned out of Ontario to be assessable.

2. All personal property within the Province in the possession or control of any agent or trustee for or on behalf of any owner thereof, who is resident out of this Province, shall be liable to assessment in the same manner and subject to the like exemption as in the case of the other personal property of the like nature under the said Act or of this Act. Personalty in control of agent for non-resident owner assessable.

3. The shares held by any person in the capital stock of any incorporated or chartered bank, doing business in this Province, shall be exempt from assessment for municipal or other local rates or taxes, but any interest, dividends or income derived from any such shares held by any person resident in this Province, shall be deemed to come within and to be liable to assessment under the thirty-fifth section of *The Assessment Act of 1869*. Dividends only of Bank Stock to be assessed.

4. In the case of real property, owned by a person not resident within this Province, who has not required his name to be entered on the assessment roll, then if the land be occupied it shall be assessed in the name of and against the occupant as such, and he shall be deemed the owner thereof, for the purpose of imposing and collecting taxes upon and from the same land, under the provisions of the Assessment Act; but if the land be not occupied, and the owner has not requested to be assessed, therefore, then it shall be assessed as land of a non resident, according to the provisions of the thirty-fourth section of the *Assessment Act of 1869*; and it shall not be necessary that the name of such non resident or owner be inserted in the assessment roll, but it shall be sufficient to mention therein the name of the reputed owner or "owner unknown," according to the assessor's knowledge or information. Occupant for non resident owner may be assessed as owner in certain cases. When land may be assessed as non-resident.

When person-
ality of non-
residents may
be assessed a-
gainst the a-
gent therefor.

5. In the case of the personal property of a person not resi-
dent within this Province, it shall be assessed in the name of and
against any agent, trustee or other person, who is in the con-
trol or possession thereof, and shall be deemed to be the indivi-
dual property of such agent, trustee or other person, for all ob-
jects within the said Assessment Act. 5

Salaries, &c.,
to be assessed
at the place
where earned.

6. Every person who holds any appointment or office of emo-
lument to which an annual salary, gratuity or other compensa-
tion is attached, and performs the duties of such appointment
or office, within a municipality in which he does not reside, shall 10
be assessed in respect of the amount of such salary, gratuity or
other compensation at the place where he performs such duties,
and he shall not be assessable therefor at his place of residence,
but if required, shall procure a certificate of being otherwise ass-
essed under the provision of this section. 15

Interpretation
of the words
"town" and
"towns" in
s. s. 110-129-
171-172.

7. The words "town" and "towns" in sections one hundred
and ten, one hundred and twenty-nine, one hundred and seventy-
one and one hundred and seventy-two of the *Assessment Act*
of 1869 are declared only to extend to and to mean such 20
towns as are withdrawn from the jurisdiction of the county
councils.

s. 92 amended.

8. Section ninety-two of the said Act is hereby amended by
inserting the words "or treasurer of the separate town" im-
mediately after "chamberlain," in the eleventh line of such
section. 25

s. 149 amended
as to words
treasurer and
warden.

9. The words "treasurer" and "warden" in section one
hundred and forty-nine of the said Act are declared to
mean the persons who at the time of the execution of the deed
in such section mentioned may hold the said offices.

REVISION OF ASSESSMENT ROLL.

Time when
assessors to
complete and
deliver rolls to
clerk.

10. On or before the day on which every assessor is required 30
by law to complete the assessment roll, he shall not only com-
plete the same, but he shall also deliver the same to the clerk
of the municipality, with the certificate and affidavits attached,
and the clerk shall file the same immediately upon the receipt
thereof. 35

Oath of mem-
bers of court
of revision.

11. Every member of the court of revision, before entering
upon his duties, shall take and subscribe, before the clerk of
the municipality, the following oath (or affirmation in cases
where by law affirmation is allowed) :—

"I, _____, do solemnly swear or affirm that I will, to the 40
"best of my judgment and ability, and without fear, favour or
"partiality, honestly decide the appeals to the court of revision
"which shall be brought before me for trial as a member of
"said court."

s. 57 amended.

12. Section fifty-seven of said Act is hereby repealed, and 45
the following section substituted therefor:—

Penalty to
witnesses who
refuse to
attend.

"57. If any person summoned to attend the court of revi-
sion as a witness fails, without good and sufficient reason, to
"attend (having been tendered compensation for his time at the
"rate of fifty cents a day), he shall incur a penalty of twenty 50
"dollars, to be recoverable, with costs, by and to the use of

"any person suing for the same, either by suit in the proper
 "division court, or in any way in which penalties incurred
 "under any by-law of the municipality may be recovered."

13. The first sittings of the court of revision shall not be
 5 held until after the expiration of at least ten days from the
 expiry of the time within which notice of appeals may be given
 to the clerk of the municipality; and the advertisement which
 the said clerk is required, by the sixth sub-section of section
 sixty of the Act hereby amended, to publish, of the time at
 10 which a court of revision will hold its first sittings for the year
 shall be published at least ten days before such time.

When first
 meeting of the
 court to be
 held.

To be adver-
 tized by clerk.

14. The notice to be given to the clerk of the municipality
 by any person complaining of an error or omission in the roll
 in regard to himself, and the notice which the clerk is to give
 15 of the complaint of any municipal elector, in regard to any other
 person, under the sixtieth section of the said Act, is to be given
 within fourteen days after the time fixed for the return of the
 roll, or within fourteen days after the return of the roll, in case
 the same is not returned within the time fixed for that purpose.

Time within
 which notices
 of appeal to
 the court are
 to be given.

15. When necessary, the clerk of the municipality may, at
 the cost of the municipality, call to his aid such assistance as
 may be required to effect the services which he is required by
 law to make, and in the event of his failure to effect any such
 20 services in time for the first sitting of the court, the court, in
 its discretion, may appoint an adjourned sitting, for the pur-
 25 pose of hearing the appeals for which the services were not
 effected in time for the first day, and the proper services shall
 be made for such adjourned day.

Clerk may re-
 quire assist-
 ance in making
 services.

16. The clerk of the court shall enter the appeals on the list
 30 in the order in which they are received by him, and the court
 shall proceed with the appeals in the order, as nearly as may
 be, in which they are so entered, but may grant an adjournment
 or postponement of any appeal.

Order of hear-
 ing appeals.

17. It shall not be required to hear upon oath the complain-
 35 ant or assessor, or the party complained against, unless where the
 court deems it necessary or proper.

Oath of com-
 plainant not
 necessary.

18. The sixty-third section of the said Act is hereby repealed, s. 63 amended.
 and the following substituted therefor:—

40 "63. An appeal to the county judge shall lie, not only against
 "a decision of the court of revision on an appeal to said court,
 "but also against the omission, neglect, or refusal of said court
 to hear or decide an appeal, and in such case:—

Appeal from
 Court of Revi-
 sion.

(1.) "The person appealing shall, in person or by his attorney
 "or agent, serve upon the clerk of the municipality, within
 45 "three days after the fifteenth day of June, a written notice of
 "his intention to appeal to the county judge;

Service of
 notice of
 appeal.

(2.) "The judge shall notify the clerk of the day he appoints
 "for hearing appeals;

Day for hear-
 ing.

(3.) "The clerk shall thereupon give notice to all the parties
 50 "appealed against in the same manner as is provided for giving
 "notice of complaint by the sixtieth section of this Act; but
 "in the event of failure by the clerk to have the required
 "service in any appeal made, or to have the same made in

Clerk to notify
 parties.

List of appellants, &c., to be posted up by clerk.

"proper time, the judge may direct service to be made for some subsequent day upon which he may sit ;

(4.) "The clerk of the municipality shall cause a conspicuous notice to be posted up in his office, or the place where the council of the municipality hold their sittings, containing the names of all the appellants and parties appealed against, with a brief statement of the ground or cause of appeal, together with the date at which a court will be held to hear appeals ;

Hearing and adjournment.

(5.) "The clerk of the municipality shall be the clerk of such court ;

(6.) "At the court so holden, the judge shall hear the appeals and may adjourn the hearing from time to time, and defer judgment thereon at his pleasure, so that all the appeals be determined before the fifteenth day of July."

Powers of judge sitting in appeal from court of revision.

19. In proceedings before the county judge or acting judge of the court under the said Act, the judge shall, with reference to the matters mentioned in the sixty-sixth section of the said Act, have the powers which belong to or might be exercised by him in the division court, or in the county court, and all process or other proceedings in, about, or by way of appeal, may be entitled as follows :—

Style of proceedings.

"In the matter of appeal from the Court of Revision of the , of .

" , Appellant, and

" , Respondent," and the same need not be otherwise entitled.

Costs how collected.

20. Where costs are ordered to be paid by any party claiming or objecting, or objected to, or by any party claiming or objecting, or objected to, or by any assessor, clerk of a municipality, or other person, the same shall hereafter be enforced by execution, to be issued as the judge may direct, either from the county court or the division court within the county of which the municipality or assessment district, or some part thereof is situated, in the same manner as upon an ordinary judgment, for costs recovered in such court.

What costs chargeable.

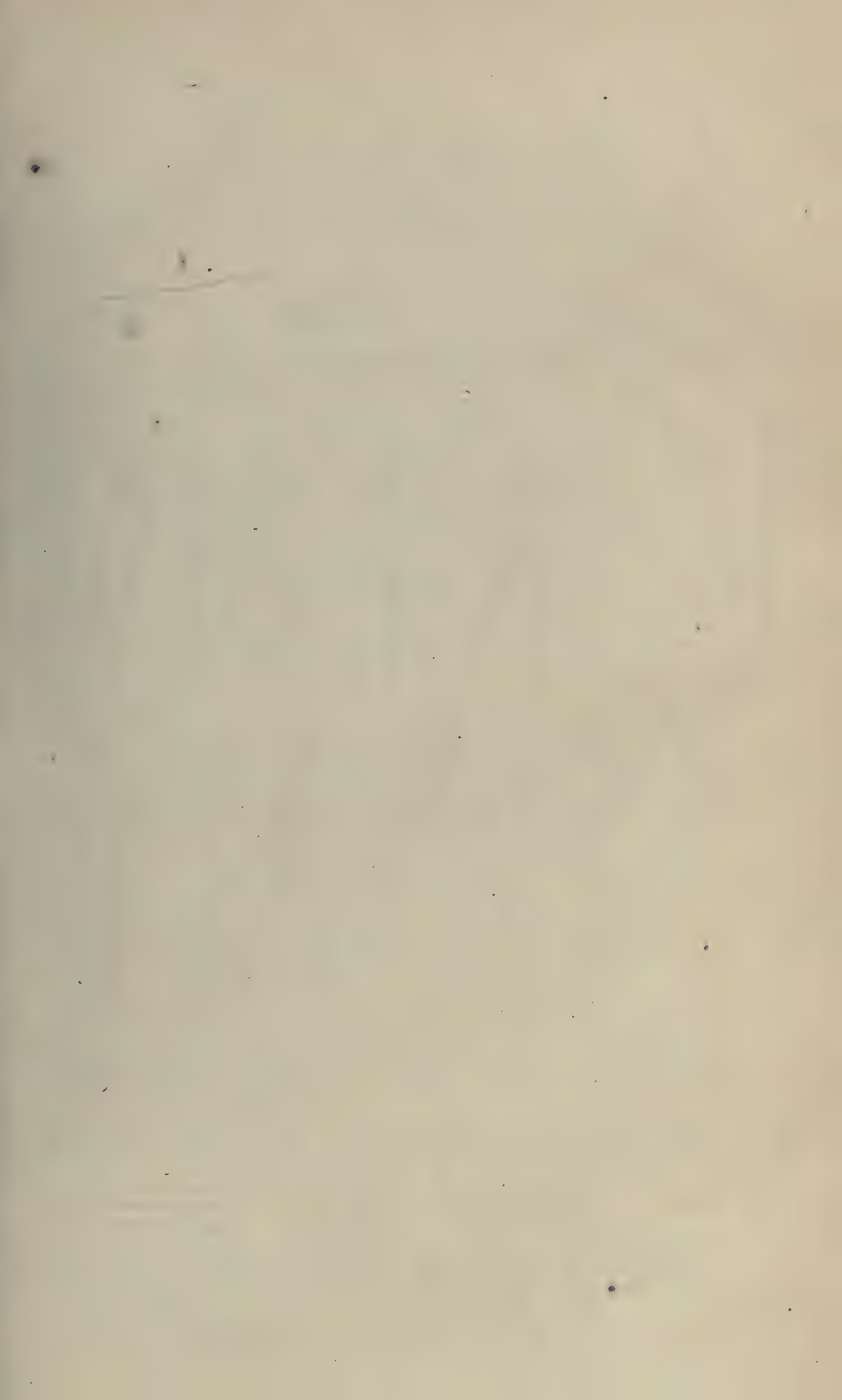
21. The costs chargeable or to be awarded in any case may be the costs of witnesses, and of procuring their attendance and none other, and the same are to be taxed according to the allowance in the division court for such costs ; and in cases where execution shall issue the costs thereof as in the like court, and of enforcing the same, may also be collected thereunder.

Schedule B amended as to giving notice of appeal.

22. Schedule B to the *Assessment Act* of 1869 is hereby amended, so that the period for giving notice of appeal from the assessment shall be within fourteen days after the time fixed for the return of the roll, instead of from the leaving of the notice.

Repealing clause.

23. All sections, or parts of sections, of the Act hereby amended, inconsistent with the provisions of this Act, are hereby repealed.



3rd Session, 2nd Parliament, 37 Vict., 1874.

BILL.

An Act to amend The Assessment Law.

1st Reading, 6th February, 1874.

Hon. Mr. CROOKS.

TORONTO:

Printed by HUNTER, ROSE & Co.

An Act respecting Law Fees.

WHEREAS the fees levied upon legal proceedings in the Preamble.
 Superior County and Division Courts, payable to the
 Crown, and now forming part of the Consolidated Revenue Fund
 of the Province of Ontario, were in part imposed in order to form
 a fund for the payment of the salaries, allowances and pensions of
 the Judges of the said Courts; and whereas the said salaries, al-
 lowances and pensions are now paid by the Government of Can-
 5 nada, and it is therefore expedient to diminish the amount col-
 lected by fees upon legal proceedings as aforesaid; and whereas
 it is also expedient to regulate the fees receivable by the Clerks
 10 of the Division Courts for their own use, in respect of proceed-
 ings in such courts;

Therefore Her Majesty, by and with the advice and consent
 of the Legislative Assembly of the Province of Ontario, enacts
 as follows:—

15 **1.** All fees and charges payable to the Clerks or Deputy Fees in Super-
 rior Common
 Law Courts
 and Practice
 Court.
 Clerks of the Crown and Pleas, or the Clerk of Process or the
 Clerk of the Practice Court, of the Superior Courts of Law under
 any Statute, Order or other authority, and in respect of which
 stamps are required to be affixed to papers filed, or proceedings
 20 had in the Superior Courts of Law, or which are received by
 the Clerk of the Practice Court for his own use, are hereby
 abolished, and the fees set forth in "Schedule A," hereto an-
 nexed, shall be levied in lieu thereof, and shall be paid by
 stamps, to be affixed and cancelled under the provisions of the
 25 Act passed in the Session of the Parliament of the late Pro-
 vince of Canada held in the twenty-seventh and twenty-eighth
 years of the reign of Her Majesty Queen Victoria, and chap-
 tered five, and the Acts amending the said Act.

2. All fees and charges payable for the benefit of the Crown Crown fees in
 County and
 Division
 Courts abolish-
 ed.
 30 upon any proceedings, had in any County, or Division Court,
 and in respect of which stamps are required to be affixed to
 papers filed or proceedings had in the said County or Division
 Court are hereby abolished.

3. All fees and charges payable to the Clerks of Division Fees to Divi-
 sion Court
 Clerks.
 35 Courts for their own use are hereby abolished, and the fees set
 forth in "Schedule B" to this Act annexed, may be levied by
 them in lieu thereof.

4. The fees specified in "Schedule A," annexed to chapter six- Fees to Regis-
 trars of Sur-
 rogate Courts.
 40 the registrars of the Surrogate Courts, (excepting the fee of fifty
 cents on deposit of wills for safe custody, which shall continue
 payable), shall not be hereafter charged, where the value of the
 property devolving is under one thousand two hundred dollars.

Fees in the
Court of Chan-
cery.

5. The fees mentioned in "Table I" of "Schedule C" to this Act, and levied under the authorities specifically mentioned in the said schedule, upon the various proceedings in the Court of Chancery in the said schedule particularly set forth, are hereby abolished, and the fees mentioned in "Table II" of the said "Schedule C," shall be levied upon the proceedings mentioned therein, and shall be collected by means of stamps, to be affixed and cancelled under the aforesaid Act, passed in the twenty-seventh and twenty-eighth years of the reign of Her Majesty Queen Victoria, and in other respects than is provided by this section, the fees payable upon proceedings in the Court of Chancery, and the different offices thereof, shall continue as heretofore. 5 10

Fees in Com-
mon Law
Chambers.

6. The fees mentioned in "Schedule D," hereto annexed, shall be paid in respect of proceedings had in the Chambers of the Superior Courts of Law, in lieu of the fees now charged thereon, and shall be collected by the Clerk in Chambers, in the City of Toronto, by stamps, to be affixed and cancelled under the authority aforesaid, and by the Deputy Clerks of the Crown and Pleas, in money to be retained by them for their own use. 15 20

Fees in pro-
ceedings be-
fore Heir and
Devisee Com-
mission.

7. The fees payable in respect of the proceedings, had before "The Heir and Devisee Commission," shall be hereafter paid in stamps, to be affixed and cancelled under the authority aforesaid.

Papers filed in
County Court.

8. A fee of ten cents shall be hereafter chargeable upon all papers filed in any County Court in lieu of the fee of fourpence now charged thereupon. 25

Remuneration
to Clerk in
Chambers.

9. It shall be lawful for the Lieutenant-Governor in Council to direct payment to the clerk in Chambers and, the Practice Court, and of the Heir and Devisee Commission, of an amount not greater than dollars, in lieu of the fees heretofore payable to him for his own use. 30

When this Act
to take effect.

10. This Act shall take effect on and after the first day of July next.

SCHEDULE A.

Fees to be taken and received by the clerks of the Crown and Pleas, or by their deputies, or by the clerk of the Process, or by the clerk of the Practice Court.

Every writ	\$1 00
Every concurrent, alias, pluries or renewed writ	1 00
Every appearance entered, and filing memorandum thereof	20
Amending every writ or other proceeding, per folio,	30
Every rule of 3 folios and under	50
Every rule exceeding three folios, per folio	20
Every judgment by default, when not final	50
Every final judgment	1 00
Taxing every bill of costs and giving allocatur	1 00
Every reference, inquiry, examination, or other special matter referred to the master, for every meeting not exceeding one hour	1 00

Do. do., for every additional hour or less - - - -	1 00
Payment of money into court for every sum under \$200	1 00
Do. \$200 and under \$400 - - - - -	2 00
Do. \$400, and above that sum - - - - -	4 00
Every certificate made evidence by law, or required by the practice, including any necessary search, whether under seal or not - - - - -	50
Exemplification, or office copy of proceedings, per folio, (in addition to fee on certificate) - - - - -	10
Every search, if not extending over more than one year	10
No fee to be charged upon the examination of papers filed upon a motion while the motion is pending.]	
Every search exceeding one year, or a general search - -	50
Every affidavit or affirmation taken before them - -	20
Taking recognizance of bail - - - - -	20
Every allowance and justification of bail, - - - -	20
Filing articles of clerkship under Attorneys' Act, and assignments (if any), including every affidavit of execution of such articles, and making endorsement required by the Act - - - - -	50
Filing affidavit and enrolling articles previous to the admission of an attorney - - - - -	50
Every admission of an attorney or solicitor, (each court)	2 00
Entering satisfaction on record and filing satisfaction piece, including any necessary search - - - - -	50
Every commission for the examination of witnesses,	1 00
Every commission (to be on parchment) for taking bail and affidavits when appointing a barrister, solicitor or attorney - - - - -	2 50
Do. when appointing any other person - - - - -	5 00
Entering exoneretur on bail piece - - - - -	20
Making up records of conviction or of acquittal, per folio,	10
Entering and docketing judgment - - - - -	50
Setting down on the paper for argument of every demurrer, special case, points reserved, special verdict or appeal case, or setting down rule upon new trial paper - - - - -	50
Passing record - - - - -	50
Every record of Nisi Prius entered for trial or assessment - - - - -	2 00
Entry of release or partial release of Crown bond,	1 00
Every receipt given by the officer - - - - -	20

SCHEDULE B.

Every claim entered for suit - - - - -	50
Every garnishee summons - - - - -	50
Every judgment entered by default, a fee equal to two per cent. upon the amount of the judgment	
Every judgment entered after hearing, a fee equal to three per cent. upon the amount of the judgment.	
Every judgment summons - - - - -	30
Transcript of judgment - - - - -	15
Every writ of execution, warrant of attachment, or warrant for arrest of delinquent - - - - -	40
Every bond when necessary, including affidavit of justification - - - - -	50

For necessary entries made in the debt attachment book, in each case - - - - -	15
Transmitting papers for service to another division or to judge on application to him, including the neces- sary entries, but not including postages - - -	20
Receiving papers from another division for service, en- tering the same, handing to the bailiff, receiving his return and transmitting same (if return made prompt- ly, not otherwise) - - - - -	30
Search by a person not a party to the suit or proceed- ing, to be paid by the applicant - - - - -	10
Search by a party to the suit or proceeding, where the same is over one year old - - - - -	10
No fee is chargeable for search to a party to the suit or proceed- ings, if the same is not over a year old.	

SCHEDULE C.

TABLE I.

*On proceedings in the Court of Chancery levied under Con-
solidated Statutes of Upper Canada, chapter thirty-three,
section six :*

The sum of \$2 40 heretofore charged on filing every bill or
amended bill.

The sum of \$1 heretofore charged on passing and entering
every decree or decretal order.

The sum of 50 cents heretofore charged on every certificate
of bill filed, on every certificate of decree or decretal order
made, on every subpoena, and on every other writ or certificate
issued under the seal of the court.

*On proceedings in the office of the surrogate clerk in chancery
levied under Consolidated Statutes of Upper Canada, chapter
thirty-three, section six :*

The sum of 50 cents heretofore charged on every certificate
issued by the surrogate clerk.

*On proceedings in the master's office, levied under order three
hundred and twelve of the Consolidated Orders of the Court
of Chancery :*

The sum of \$1 charged on revision of costs taxed by local
matters.

*On proceedings in accountant's office, levied under order five
hundred and seventy-two of the Consolidated Orders of the
Court of Chancery :*

The sum of 30 cents, charged upon payment of moneys in or
out of court.

*Fees payable to the clerk of records and writs under order three
hundred and nine of the Consolidated Orders of the Court of
Chancery :*

The sum of \$2 on setting down causes other than for hearing
pro confesso, the sum of 50 cents on setting down cause pro
confesso.

TABLE II.

Filing every bill or amended bill - - - -	\$1 00
(In lieu of the fee of \$2 40 levied under C. S. of U. C., cap. 33., sec. 6.)	
Every subpoena - - - - -	0 50
Setting cause down in Toronto, other than for examination and hearing - - - - -	0 50
Setting down cause in Toronto for examination and hear- ing - - - - -	2 00

SCHEDULE D.

CLERK IN CHAMBERS.

Every summons - - - - -	\$0 25
Every order - - - - -	0 50
Filing each paper - - - - -	0 10
Every fiat for a rule of court - - - - -	0 25
Taking every affidavit or affirmation - - - - -	0 20
Office copies of papers per folio - - - - -	0 10
Every search, if not more than two terms - - - - -	0 10
“ exceeding two and not more than four terms - - - - -	0 20
Every search exceeding four terms or general - - - - -	0 50
No fee to be charged upon the examination of the papers filed upon a motion while the motion is pending.	

No. 19.

3rd Session, 2nd Parliament, 37 Victoria, 1874.

BILL.

An Act respecting Law Fees.

First Reading, 6th February, 1874.

Hon. A. Crooks,

TORONTO :

PRINTED BY HUNTER, ROSE & Co.

An Act to incorporate the Village of Meritton.

WHEREAS the inhabitants of the unincorporated Village of Meritton, in the Township of Grantham, in the County of Lincoln, have, by their petition, represented that by reason of its close proximity to the works being carried on upon the Welland Canal, and from the continual rapid increase in the population of the said Village, it is desirable that the said Village be incorporated; and it is expedient to grant the prayer of the said petition :

Therefore, Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. On and after the passing this Act, the inhabitants of the said Village of Meritton, comprised within the boundaries hereafter mentioned, shall be, and they are hereby constituted a corporation or body politic, under the name of "The Corporation of the Village of Meritton," apart from the Township of Grantham, in which the said Village is situated, and shall enjoy all such rights, powers, and privileges as are now, or shall hereafter be conferred upon incorporated villages in the Province of Ontario.

Incorporation
of the village
of Meritton.

2. The said Village of Meritton shall comprise and consist of the following lots and parts of lots—that is to say :

Boundaries of
village.

"Commencing at a point where the Welland Railway intersects the road allowance between the seventh and eighth concessions of the Township of Grantham, on the western boundary of the said Railway, thence southerly and easterly along the western boundary of said Railway, to the intersection with the road allowance between the Counties of Lincoln and Welland; thence westerly along said road allowance, to the dividing line between lots numbers twelve and thirteen of the said Township; thence northerly along said dividing line, produced to a point four hundred feet west from the westerly boundary of the Welland Canal Lands, thence on a northerly course, at the distance always of four hundred feet west of the western boundary of the Welland Canal Lands, to the said road allowance between the seventh and eighth concessions, thence easterly along said road allowance to the place of beginning."

3. Immediately after the final revision of the Assessment Rolls for the Township of Grantham, for the year one thousand eight hundred and seventy-four, it shall be lawful for James H. Beney, clerk of the Township of Grantham, who is hereby appointed the Returning Officer, to hold the nomination for the

First election
of Reeve and
Councillors.

first election of Reeve and Councillors at the School-house, in the said Village, at the hour of noon; and he shall give one week's notice thereof, posted up in at least three conspicuous places in the said Village; and he shall preside at such nomination, or, in case of his absence, the electors present shall 5 choose from among themselves a chairman to officiate, who shall have all the powers of a returning officer; and the polling for the said election, in the event of there being a poll required, shall be held on the same day of the week, in the week next following the said nomination, and the duties of the Returning 10 Officer shall be those prescribed by law with respect to incorporated villages.

Qualifications
of electors,
Reeves and
officers.

4. At the first election of Reeve and Councillors, the qualification of the electors and of the Reeve and officers shall be the same as that required in townships, and at all subsequent elec- 15 tions the qualification of electors, and of the Reeve, Councillors, and other officers shall be the same as that required in incorporated villages.

Clerk of
Grantham to
furnish copies
of assessment
rolls to clerk
of Meritton.

5. The Township Clerk, of the Township of Grantham, shall furnish to the Clerk of the Corporation of the Village of Merit- 20 ton, when demanded by him, a certified copy of so much of the last revised assessment rolls of the Township of Grantham, as show the persons assessed and the amount of such assessment, within the limits of the Corporation of the Village of Meritton, and the rate to be imposed by the Corporation of the Village 25 of Meritton for the year one thousand eight hundred and seventy-four, shall be based upon the assessment so furnished by the Clerk of the Township of Grantham.

What assess-
ment roll is to
be used at
elections.

6. The last revised assessment roll of the Township of Grantham, for the year one thousand eight hundred and seventy- 30 four, so far as the same relates to the Corporation of the Village of Meritton shall, until the assessment shall be made in the year one thousand eight hundred and seventy-five, and the roll finally revised by the last mentioned Corporation, be taken to be the roll for any future election, either municipal or parlia- 35 mentary, in the said Corporation of the Village of Meritton.

Municipal Act
to apply to
this Act.

7. All provisions of the Municipal Institutions Act of Ontario, so far as the same relate to the incorporation of vil- lages, shall be taken to apply to the Corporation of the Village of Meritton, the same as if the said Village had been incorpo- 40 rated under the said Act.

Village to
have its share
of Municipal
Loan Fund.

8. The Corporation of the Village of Meritton shall be en- titled to its share of the moneys payable under the Municipal Loan Fund Act of Ontario, in the same manner as if the said Village had been incorporated prior to the passing of the said 45 Act.

Expenses of
assessment to
be borne by
the village.

9. The expenses of any assessment for the present year, so far as the same relates to assessments made within the limits of the Corporation of the Village of Meritton, and the expenses incurred to obtain this Act, and of furnishing any documents, 50 copies of papers, writings, deeds, or any matter whatsoever required of the Corporation of the Township of Grantham, shall be borne and paid by the Corporation of the Village of Meritton.



No. 20.

3rd Session, 2nd Parliament, 37 Viet., 1874.

BILL.

An Act to incorporate the Village of Meriton.

First Reading, 6th January, 1874.

(PRIVATE BILL.)

MR. RYKERT.

TORONTO:

PRINTED BY HUNTER, ROSE, & CO.

An Act to amend an Act intituled "An Act to incorporate the Trinity College School."

WHEREAS The Trinity College School has by its petition, represented that the said corporation has already expended nearly forty thousand dollars upon lands and buildings for the purposes of the said school; and that, to meet the increasing requirements of the said school, it is necessary that additional buildings should be erected; and that, for the purposes aforesaid, and with a view to consolidating and paying off the debt incurred in the purchase of lands and erection of buildings, the said corporation desires to be empowered to issue debentures to an amount greater than by its Act of incorporation it is authorized to do; that the said school continues in successful operation, and that its usefulness will be extended, and the purposes for which it was formed will be promoted by the passing of this Act;

15 Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The six section of the Act passed in the thirty-fifth year of the reign of Her Majesty, chaptered one hundred and eleven, and intituled "An Act to incorporate the 'Trinity College School,' is hereby amended by striking out the words "ten thousand dollars," at the end of the said section, and inserting in lieu thereof the words "two thirds of the actual value of the property of the said corporation."

Sec. 6 of 35
Vict., ch. 13.
amended.

3rd Session, 2nd Parliament, 37 Victoria, 1874.

BILL.

An Act to amend an Act intituled "An Act
to incorporate The Trinity College School."

First Reading, 6th February, 1874.

(*PRIVATE BILL.*)

Mr. WILLIAMS (Durham).

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act to enable the Law Society of Ontario to admit John Wright as a Barrister at Law.

WHEREAS John Wright has, by his petition, represented Preamble.
 that prior and up to the year one thousand eight hundred and fifty-four, he was actively employed as a Clerk in the office of a practising Attorney and Solicitor in England, and
 5 in the said year he came to reside in Ontario and was soon afterwards articled to a practising Attorney and Solicitor in this Province; that in the year one thousand eight hundred and sixty-two he was duly admitted to practise as an Attorney and Solicitor in Her Majesty's Courts of Law and Chancery in this
 10 Province, and has been ever since continuously actively engaged in the practice of his Profession; And whereas, the said John Wright has prayed that an Act may be passed to enable the Law Society of Ontario to call him to the Bar of Ontario and admit him to the practice of the Law as a Barrister at Law upon
 15 passing the final examination prescribed by the said society; And whereas it is expedient to grant the prayer of the said Petition;

Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts
 20 as follows:

1. It shall and may be lawful for the Law Society of Ontario, in their discretion and upon payment of the usual fees therefor, at any time to call and admit the said John Wright to the degree of Barrister at Law and to the practice of the Law as
 25 such Barrister at Law, on his passing such final examination as may be prescribed and deemed satisfactory by the said society without his compliance with any of the other requirements or provisions of law or other rules and regulations of the said society in that behalf, any law, custom or usage to the contrary
 30 notwithstanding.

Law Society to-
 admit John
 Wright to the
 Degree of Bar-
 rister at Law,
 on certain con-
 ditions.

BILL.

An Act to to enable the Law Society of Ontario to admit John Wright as a Barrister at Law.

First Reading, 6th February, 1874.

(*PRIVATE BILL.*)

Mr. WILLIAMS, Durham.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act to provide for taking votes by Ballot at Municipal Elections in the Province of Ontario.

WHEREAS it is expedient to amend the law relating to the proceedings at Municipal Elections in the Province of Ontario, and to provide for voting and taking the poll at such elections by ballot:—

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts follows:—

1. When at any election of any mayor, aldermen or councillor in cities, or of mayor, councillor, reeve or deputy-reeve in towns, or of reeve, deputy-reeve or councillor in incorporated villages or townships in the Province of Ontario, a poll shall have been demanded, it shall be the duty of the clerk of the municipality to cause to be forthwith prepared, at the expense of the municipality, printed ballot papers, containing a list of the duly nominated candidates and the offices for which they are so nominated, with their occupations and residences, and arranged alphabetically in the order of their surnames, according to the form and directions set forth in schedule "A" to this Act annexed, and to furnish to each of the returning officers for any ward or electoral division, before the day fixed for such poll, with the poll-book and list of voters, as many of such ballot papers as there are electors in the ward or subdivision for which such returning officer is appointed, and every such returning officer shall after such poll give back to the clerk of the municipality the whole of such ballot papers, with the poll-book and list of voters, as in this Act hereafter directed.
2. Immediately after the passing of this Act, the clerk of each city, town, village, or township municipality in the Province of Ontario shall procure, at the expense of the municipality of which he is clerk, as many ballot boxes as there are wards or electoral divisions within such municipality, and each of such ballot boxes shall be of some durable material, with lock and key thereto, and be made with a narrow cleft or opening in the top thereof sufficiently large to admit a ballot paper, but so constructed that the ballot paper can be introduced therein, but cannot be withdrawn therefrom without the box being unlocked; and it shall be the duty of the clerk of each municipality to have ready for use at all times as many ballot boxes as there are wards or electoral divisions in the municipality; and such ballot boxes shall be placed for safe keeping in the charge of the clerk of such municipality, who shall deliver one of them to each of the returning officers appointed from time to time in such municipality, and each returning officer shall return such ballot box so delivered to him to such clerk, within one week after the close

Preamble.

At election of mayor, &c., clerk shall provide ballot papers.

Ballot boxes to be furnished at cost of municipality.

In certain cases returning officers may procure ballot box.

of the election: Provided that if through any cause the clerk of any municipality fails to furnish ballot boxes as herein provided, he shall be guilty of a misdemeanor, and may be indicted and convicted thereof; and it shall be the duty of the returning officer in each ward or electoral division so unsupplied with a ballot box to forthwith procure one to be made, and he shall issue his order upon the treasurer of the municipality in which such ward or electoral division is situate for the cost of the same, and it shall be the duty of the said treasurer to pay to such returning officer the amount of such order.

Balloting compartments.

3. Each polling place shall, under the direction of the returning officer and before the hour for opening the poll, be provided at the expense of the municipality with two balloting compartments, so constructed that each voter can mark his vote on the ballot paper furnished to him, screened from observation and without interference or interruption; and such compartments shall contain the necessary materials wherewith a voter can mark his ballot paper; and before any vote is taken at any election, the returning officer shall open the ballot box herein-

Ballot box to be exposed and locked.

before described and show to the persons legally authorized to be present in the polling place, and then present, that the box is empty, and he shall lock it up and place his seal upon it in such manner as to prevent its being opened without breaking such seal, and shall place it in view of himself and others authorized to be present, for the receipt of ballot papers, and keep it so locked and sealed until duly opened, as is hereinafter directed.

Persons permitted to be present in polling place.

From and after the opening of the poll in any polling place, and until the close of all proceedings relating thereto, no person shall be entitled or permitted to be present in such polling place, other than the returning officer, poll clerk, constable, the candidates, or one agent representing each candidate, and such voters as shall for the time being be actually voting; and the returning officer shall regulate the number of electors to be admitted to the polling place at one time, and direct that no person or persons shall remain in any position where he or they can observe in what manner a voter shall mark his ballot paper; and if any person misconducts himself in the polling place, or fails to obey the lawful orders of the returning officer, he may immediately, by order of the returning officer, be removed from the polling place by any constable attending thereat, provided that no elector who is otherwise entitled to vote shall thereby be deprived of opportunity to vote at such election when obeying the lawful orders of such returning officer.

How poll book shall be kept.

4. When an elector entitled to vote in any polling place presents himself for the purpose of voting, the returning officer after ascertaining that his name is on the list of voters, shall direct his poll clerk to enter in the poll-book the name of such voter; and when the elector takes the oath required of him by an Act respecting Municipal Institutions in the Province of Ontario, and passed in the thirty-sixth year of the reign of Her Majesty Queen Victoria, and chaptered forty-eight, or any amendments thereto, the returning officer shall state in said book that such oath was taken by the elector, by causing to be entered opposite the name of such elector, in the proper column in said book, the word "sworn," and nothing more; and if the vote of any elector is objected to by any candidate or his agent, the returning officer shall further direct his poll clerk to enter the objection in the poll book, by writing opposite the name of the voter

in the column of objections, the words "objected to by," adding thereto the name of the candidate on whose behalf such objection is made; and if any voter so objected to or required to be sworn refuse to vote or to swear, the returning officer shall 5 cause to be added the words, "refused to vote," or "refused to be sworn," as the case may be.

5. When the name of the voter has been entered in the poll-book by the poll clerk, under the direction of the returning officer, it shall be the duty of the returning officer to legibly 10 mark the back of the ballot paper with his own initials, and with a running number, which shall represent the number of ballot papers then issued at such poll, and which number shall also be placed opposite to the name of the voter in the poll-book used by such returning officer, and to deliver such marked ballot 15 paper to the person voting, who shall immediately proceed with such ballot paper to one of the compartments provided in the polling place, and there, with the pencil provided in the compartment, place a cross on the right hand side opposite the name of the candidate or candidates for whom he desires to 20 vote, thus \times ; and he shall then fold the ballot paper across, so as to conceal the names of the candidates and the mark upon the printed face of such paper, and to expose the initials of the returning officer and number on the back, and leaving the compartment will, without delay, and without showing the front of 25 the paper to anyone, or so displaying it as to make known to any person the name of the candidate for or against whom he has marked his vote, deliver such ballot paper so folded to the returning officer, who shall, without unfolding the same, or in any way disclosing the names of the candidates, or the mark 30 made by such elector, verify his own initials and the number on the back of the paper, and at once deposit the same in the ballot-box in the presence of all persons entitled to be present and then present in such polling places; and the voter shall forthwith leave the polling place.

Marking of
ballot paper by
Returning
Officer, and
mode of voting

Returning
Officer shall
deposit ballot
paper in box.

35 6. The returning officer, on the application of any voter incapacitated by blindness or other physical cause from marking his ballot paper, or who makes the declaration in schedule "B" 40 appended to this Act, that he is unable to read, shall, before such of the agents of the candidates as may then be present, mark the vote of such voter on a ballot paper, in the manner directed by such voter, and forthwith deposit such ballot paper in the ballot-box; and the returning officer shall, after the name of such voter on the poll-book, enter the words "Blind," "Physically incapacitated," or "Unable to read," as the case 45 may be.

Voters
physically
incapacitated.

7. A voter who has dealt with his ballot in such manner that it cannot properly be used as a ballot paper, may, on delivering it to the returning officer, obtain another ballot paper in place of it, and the returning officer shall immediately write the word 50 "Cancelled" upon such ballot paper and preserve it to be returned to the clerk of the municipality

When a new
ballot paper
may be
furnished to
voter.

8. Every ballot paper which shall contain a greater number of ballot marks than the voter is entitled to make, or which is so marked as to render it uncertain for which candidate or can- 55 didates the voter intended to vote, or marked otherwise than in the manner described in this Act, or so marked otherwise than by the number thereon, that the voter can be identified, or

Certain ballot
papers to be
rejected.

which is not duly initialed and numbered as before provided, shall be rejected at the examination of ballot papers made at the close of the poll.

Counting of
ballot papers
at close of poll

Written state-
ment of num-
ber of votes to
be prepared
and signed.

How ballot pa-
per shall be
disposed of.

If dispute as to
result arise
how to be set-
tled.

Clerk shall
cast up votes.

9. Immediately after the close of the poll in every polling place, the returning officer shall, in the presence of the poll clerk and such of the candidates or their agents as may then be present, open the ballot box and examine the ballot papers therein deposited, keeping them with their printed faces upwards, and taking all proper precautions for preventing any person from seeing the number written on the backs of such papers, and after rejecting such of them as are not in accordance with the provisions of this Act, count up the votes given for each candidate, and make up a written statement in words as well as in figures, of the number of votes given for each candidate, and of the ballot papers which have been rejected, spoilt or unused; which statement shall be forthwith signed by the returning officer, the poll clerk, and such of the candidates or their agents as may be present, and desire to sign such statement; and the returning officer shall forthwith make up the used, the rejected, the spoilt, and the unused ballot papers, into several packages, which shall be marked upon the outside with the date of the day of the election, and the name of the returning officer and that of the ward or electoral division and sealed with his seal and those of any of the candidates or of their agents who may so desire; and the returning officer shall, with the least possible delay, cause the whole of such ballot papers, the list of voters, the written statement aforesaid, and the poll-book, as well as all books and papers officially kept by him or his poll clerk, to be delivered to the clerk of the municipality: Provided that if the returning officer and one or more of the candidates or of the agents of the candidates present at the examination and counting of the ballot papers are unable to agree as to the written statement to be made by such returning officer, such packages of ballot papers shall be broken open by the clerk of the municipality, in the presence of the returning officer and such of the candidates or of their agents as may be present on the day succeeding the polling day, at an hour and place to be appointed, and of which they have been notified by the returning officer, unless such day happen to fall on a Sunday or a public holiday, when such examination shall be made on the day following such Sunday or public holiday, or unless the distance necessary to be travelled is such that the appointed place cannot be reached on the day following the poll, in which case a reasonable time shall be allowed and no more, for the purpose of coming before the clerk of the municipality; and the clerk of the municipality, after examining the ballot papers, shall finally determine the matter in dispute, and sign the written statement hereinbefore mentioned; and the clerk of the municipality shall forthwith, in the presence of the returning officer and such of the candidates or of their agents as may then be present, securely seal up the ballot papers which have been examined by him into their several packages as before.

10. The clerk of the municipality, after he shall have received the ballot papers and statements before mentioned of the number of votes given in each polling place, shall cast up the number of votes for each candidate, from such statements and without opening any of the sealed packets of ballot papers and shall, at the town hall, or if there be no town hall, at some other public place, at noon on the day following the returns of such

poll books and papers, publicly declare so elected the candidate or candidates having the highest number of votes; and shall also put in some conspicuous place a statement under his hand showing the number of votes for each candidate, and where an equality of votes is found by such clerk of the municipality to exist between any candidates, upon the casting up of the number of votes as aforesaid, and the addition of a vote would entitle any such candidate to be declared elected, the clerk of the municipality may give such additional vote, but shall not in any other case be entitled to vote at such election.

Declaration of result.

Clerk to have casting vote.

11. No person shall be allowed to inspect any ballot papers in the custody of the clerk of the municipality except under the order of one of Her Majesty's Courts of competent jurisdiction, to be granted by such court on being satisfied by evidence on oath that the inspection or production of such ballot papers is required, for the purpose of maintaining a prosecution for an offence in relation to ballot papers, or for the purpose of a petition questioning an election or return; and any such order for the inspection or production of ballot papers shall be obeyed by the clerk of the municipality: Provided that the clerk of the municipality shall retain for three months all ballot papers forwarded to him in pursuance of this Act by a returning officer, and then, unless otherwise directed by an order of one of Her Majesty's Courts of competent jurisdiction, shall cause them to be destroyed in the presence of two witnesses, whose declaration that they have witnessed the destruction of such papers, shall be taken before the head of the municipality, and filed amongst the records of such municipality by the clerk of the municipality.

When ballot papers may be inspected.

When ballot papers shall be destroyed.

12. Every returning officer, poll clerk, constable, candidate and agent of any candidate, in attendance at a polling place, shall maintain and aid in maintaining the secrecy of the voting in such polling place, and shall not communicate, except for any purpose authorized by law, to any person, any information as to the manner in which any elector has voted; and every returning officer, poll clerk, constable, candidate and agent of any candidate shall, after his appointment and before the opening of the poll at any election, make and subscribe before some justice of the peace, acting within the district, county, or place for which such election is held, a solemn declaration in the form of schedule C. to this Act annexed; and such solemn declaration shall be in addition to the declaration or oath now required to be taken by any returning officer, candidate, poll clerk, or constable, and any such returning officer, candidate, poll clerk, constable, agent or other person contravening the provisions of this section shall be guilty of misdemeanor: Provided that nothing herein contained shall prevent the publication, by a candidate or of his agent, or by any other person, after the close of the poll, of a statement of the number of votes polled for each candidate.

Maintenance of secrecy.

Declaration of secrecy to be made.

Proviso as to publication of result of election.

13. Every person who before, during or after any election held under the provisions of this Act, shall forge or counterfeit, or fraudulently alter, deface or destroy any ballot paper, or the official mark on any ballot paper; or, without due authority, supply any ballot paper to any person; or fraudulently put into any ballot box any papers other than the ballot paper which he is authorized by law to put in, or abstract, purloin, or fraudulently take and carry away out of any polling place any ballot

Provision against fraud, &c.

paper; or make any mark, sign or distinction on the back of the ballot paper of any vote by which such ballot paper may or can be afterwards recognized or identified (except as hereinbefore provided); or, without due authority, destroy, take, open or otherwise interfere with any ballot box or package of ballot papers then in use for the purpose of the election; or (being a voter) shall wilfully display the marks made by him upon his ballot paper, shall be guilty of a misdemeanor; and any attempt to commit any offence specified in this section shall be punishable in the manner in which the offence itself is punishable. 5 10

Laws inconsistent with this Act repealed.

16. All laws, statutes, customs and usages now in force relating to elections of any mayor, alderman or councillor in cities, or of mayor, councillor, reeve or deputy-reeve in towns, or of reeve, deputy-reeve, or councillor in incorporated villages or townships, shall be and the same are hereby repealed, in so far only as they may be inconsistent with the provisions of this Act, but in all other respects they shall remain in full force and effect, and this Act shall be read and construed along with the tenor thereof. 15

SCHEDULE "A."

Form of front of Ballot Paper

For Mayor, Aldermen, Councillors, &c, (as the case may be) city, town, village or township of, (as the case may be) ward or polling subdivision (as the case may be) No. day of 18

<i>For Mayor.</i>		
1	ALLAN.	
	Charles Allan, King Street, City of Toronto, Merchant.	
2	BROWN.	
	William Brown, City of Toronto, Banker.	
<i>For Alderman.</i>		
1	ARGO.	
	James Argo, City of Toronto, Gentleman.	
2	SANDERS.	
	William Sanders, City of Toronto, Barrister.	
<i>For Councillor.</i>		
1	BAKER.	
	Samuel Baker, City of Toronto, Baker.	
2	DUNCAN.	
	Robert Duncan, City of Toronto, Printer.	

SCHEDULE "B."

Form of declaration of inability to read.

I, *A.B.* of _____ being numbered _____, on the voters' list for electoral division No. _____, Township (*city, town or village,*) of _____, and County of _____, being a legally qualified elector for the said Township (*city, town or village,*) of _____, do hereby declare that I am unable to read.

^{his}
A. + B.
mark.

The _____ day of _____ A.D. 18

I, the undersigned, being the Returning Officer for the polling electoral division mentioned, do hereby certify that the above declaration, having been first read to the above named *A.B.*, was signed by him in my presence with his mark.

Signed

C. D.

Returning Officer

For electoral division No. _____
of _____ day of _____

A.D. 18

SCHEDULE C.

I, *A.B.*, being duly appointed to act at the polling place in electoral division, No. _____, in the Township, (*city, town or village,*) of _____ as _____, at the election, of said Township, (*city, town or village*) to be held on the _____ day of _____, A.D., do hereby solemnly, sincerely and truly declare and affirm, that I will well and truly assist in such my office at such election, and that I will not disclose to any person the names or numbers upon the poll book of the persons who have voted, and that I will not, in any way whatsoever, unlawfully attempt to ascertain for whom any elector shall vote or has voted, and will not by word or action or otherwise, however, directly or indirectly aid in or be party or privy to the unlawful discovery of the same; and that I will keep secret all knowledge of the person for whom any elector has voted which may come to me in the exercise of my office

Made and declared before me at _____ }
this _____ day of _____ A.D. }
C. D.

A. B.

A Justice of the Peace, acting in and for

3rd Session, 2nd Parliament, 37 Vict., 1874.

BILL.

An Act to provide for taking votes by Ballot
at Municipal Elections in the Province of
Ontario.

1st Reading, 6th February, 1874.

Mr. CLARKE (Wellington),

An Act to vary and extend the trusts set out in the deed of the lands in Toronto held by the "First Coloured Calvinist Baptist Church" in Toronto.

WHEREAS, the trustees of the First Coloured Calvinist Baptist Church, in the City of Toronto, have, by their petition, set forth that they are desirous that the trusts and provisions contained in the deed under which they hold that certain piece or parcel of land and premises situate in the City of Toronto, being part of Park Lot, number eight, formerly in the Township of York, now in the City of Toronto, and designated and laid down on the plan or survey of the said Park Lot, number eight, and Park Lot, number seven, made by Robert Lynn, a Deputy Provincial Surveyor, as lot number two, on the north side of Lot Street, now Queen Street, may be so altered and extended that they may be enabled to take down and remove the buildings now on said premises, and rebuild or build others for similar purposes; to mortgage said premises, to pay interest and expenses; to sell lands; to provide that a majority of trustees shall rule; and to lease part of said premises; And it is expedient to grant the prayer of said petition; Therefore Her Majesty, by and with the consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

20 1. For and notwithstanding anything in the said deed contained, it shall be lawful for the said trustees, or the major part of them, to erect upon such part of said lands, as shall not be required for the purposes of the place of worship mentioned in said deed, such house or houses, building or buildings, as they
25 may deem necessary or expedient, and when and so often as they shall deem necessary or expedient, to take down or remove the said place of worship, house or houses, building or buildings, or all or any of them, or any part or parts thereof respectively, for the purpose of rebuilding the said place of worship, or for the
30 purpose of building or rebuilding any other house or houses, building or buildings, or enlarging, altering or repairing the same respectively, or all or any of them, and the said deed shall be read as if it contained the above clause at the date of the execution thereof, so as to render valid any act of the trustees named in said deed, or their successors, which would have been in execution of the trusts or powers given to them by this said clause had the same formed part of, or been incorporated in said deed.

Trustees may erect buildings.

And take down buildings.

And rebuild or repair.

40 2. For and notwithstanding anything in said deed contained, or anything contained in chapter one hundred and thirty-five of the Statutes of Ontario, passed in the thirty-sixth year of the reign of Her present Majesty, the said trustees and

Incorporating sections 2, 3, 4, 5, 6, 7, 8 9 of chap. 135, Vic. 36.

their successors shall have all the powers and privileges conferred on trustees by the second, third, fourth, fifth, sixth, seventh, eighth, and ninth sections of said Act, and the said seventh section shall be read as if it did not contain the proviso thereto added.

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**Congregation
must assent to
mortgage.**

3. And provided further, that said trustees shall not be empowered to mortgage said premises without the assent of the congregation for whose benefit said lands are held, which assent shall be signified by the votes of four-fifths of the members present at a meeting of the said congregation duly called for the purpose, but the mortgagee shall not be required to see if said assent had been obtained before taking said mortgage, or be affected by the same not having been obtained.

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**In case sale
surplus to be
paid into
Court of
Chancery.**

4. And provided further, that in case of a sale of said premises, the trustees, upon payment of all liabilities, may, unless otherwise directed by the congregation, pay the surplus of trust moneys remaining in their hands into the Court of Chancery for the benefit of whom it may concern.

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**Moneys to be
held in trust
to pay
charges.**

5. And it is hereby declared, that the trustees, for the time being, of said deed as amended, shall stand and be possessed of the money arising from the said rents, profits, and income, upon trust, thereout to pay in the first place such duties, taxes, rates, and other outgoings (if any) as, from time to time, shall be lawfully payable in respect of the said premises or any part or parts thereof, and also the costs, charges, and expenses of insuring and keeping insured the said trust premises against loss or damage by fire, in such sum or sums as the said trustees, for the time being, or the major part of them shall, from time to time, think proper or expedient, and in repairing and keeping the said trust premises in good repair and good condition, and likewise the interest of all principal moneys borrowed and then due and owing on security of the said trust premises, of any part or parts thereof, by virtue of said deed as amended by said Act, and then to retain and to reimburse themselves respectively all costs, charges, and expenses lawfully incurred and paid by them in or about the due execution of the trusts of said deed, as amended, or any of them, and in the next place thereout to pay and discharge the necessary costs, charges, and expenses, from time to time, incurred in cleaning, warming, lighting, and attending to the said church or place of religious worship and premises, and generally to liquidate any debts, costs, charges, incumbrances, and expenses at any time lawfully incurred under or occasioned by the due execution of the trusts of the said deed, as amended or any of them, and not included in any of the provisions aforesaid.

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**Majority shall
rule.**

. And it is hereby declared, that except as hereinbefore otherwise provided, at any meeting held under or by virtue of said deed, as amended, or of the trusts hereof, or any of them, the votes of the persons present and entitled to vote, or the vote of a majority of them shall decide any question or matter proposed at such meeting and respecting which such vote shall be given, and in case the votes shall be equally divided, then the chairman of such meeting shall give the casting vote, and which casting vote he shall have in addition to the vote which he shall be entitled to in his character of trustee, superintendent,

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minister or otherwise; And it is hereby declared subject to the above exception, that whenever it shall be thought necessary or expedient to do anything in and by the said deed, as amended, directed, authorized, or made lawful to be done, the necessity or expediency of doing the same shall in like manner be decided by the persons present and entitled to vote upon the question to be determined, or by the majority of them, and if there shall be an even division, then by such casting vote as aforesaid; And all acts and deeds done and executed in pursuance of any such division as aforesaid, at any such meeting as aforesaid, shall be good, valid and binding on all persons entitled to vote at the meeting, who may be absent, or being present, may be of the minority, and all other persons claiming under or in pursuance of the said deed, as amended; but no person (unless where the contrary is hereinbefore expressly mentioned) shall be allowed to vote in more than one capacity at the same time on the same question, although holding more than one office at the same time in the said church or in the same meeting.

BILL.

Act to vary and extend the trusts set out
in the Deed of the Lands in Toronto held
by the First Coloured Calvinist Baptist
Church.

First Reading, 6th February, 1874.

(*PRIVATE BILL.*)

Mr. DEROCHE.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act to incorporate the "Canada Live Stock Insurance Company of Ontario."

WHEREAS Andrew Smith, John Kay, W. A. Henderson and John Maughan, jr., of the City of Toronto, Esquires, have petitioned the Legislature of the Province of Ontario, that a company be incorporated under the name of the "Canada Live Stock Insurance Company of Ontario," for the purpose of carrying on the business of insurance against accident or death of live stock; and it is expedient to grant their prayer;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The persons hereinafter mentioned, after having complied with the requirements of this Act as to subscription of stock, and such persons as now are or hereafter shall become shareholders of the said Company, shall be and are hereby created, constituted and declared to be a body corporate and politic, by the name of "The Canada Live Stock Insurance Company of Ontario," and by that name shall have perpetual succession and a common seal, with power to change and alter the same at pleasure, and may sue and be sued, contract and be contracted with, in the corporate name aforesaid.

2. The stock of the company shall be fifty thousand dollars, divided into one thousand shares of fifty dollars each, which said shares shall be and are hereby vested in the several persons who shall subscribe for the same, their legal representatives and assigns, subject to the provisions of the Act: Provided that the board of directors may increase the amount of the capital stock at any time, or from time to time, to an amount not exceeding on the whole two hundred thousand dollars; but no subscription to stock shall be legal or valid unless twenty per centum thereon shall have been actually and *bona fide* paid thereon within five days after subscription, into one or more of the chartered banks of this Province, to be designated by the directors, and not to be withdrawn therefrom except for the purpose of the company.

3. None of the persons or bodies corporate who may subscribe for stock shall be liable for any further sum than to the extent of the unpaid amount upon the stock subscribed for by them.

4. Until the first annual election hereafter provided for, the Provisional Board of Directors shall consist of Andrew Smith,

John Kay, John Maughan, jr., Thomas Guy, and S. Enoch Thompson.

Power of
Provisional
Directors.

5. The Provisional Board of Directors shall have power to open stock books at such places as they may direct, and to keep the same open so long as they deem it necessary; and the number of directors shall continue to be five until at a general meeting of the shareholders their number be increased or decreased; but their number shall not be more than ten nor less than five. 5

Meeting for
the election of
Directors.

6. When forty thousand dollars of capital stock is subscribed, and eight thousand dollars paid in, the provisional directors shall, by advertisement in one paper published in the City of Toronto, and in the *Ontario Gazette*, call a meeting of shareholders, to elect a board of directors to manage the affairs of said company under the Act. 10

Calls.

7. The board shall have power to make calls for such sums or amounts, and at such times, upon the shares of the respective shareholders as they may deem requisite for the purposes and interests of the company, and to sue for and enforce the payment of the same, and may declare all shares forfeited on which such calls have not been duly paid, and may allot the same or any part thereof to any person or corporation, or sell the same or any part thereof; and also shall have power to fill vacancies in the board from time to time as they may occur; to appoint officers and agents, and to fix their remuneration and terms of office, and approve of their duties, obligations and securities, and to remove or dismiss all officers; and generally to transact all necessary matters and things connected with the business of the company; but no contract shall be valid unless made under the seal of the company, and signed by the president or vice-president, or one of the directors, and countersigned by the manager, except the "interim receipt of the company," which shall be binding upon the company on such conditions as may be thereon printed by direction of the board. At all meetings of the directors, a majority of the whole number of the board shall be a quorum, and all questions before them shall be decided by a majority of votes, and in case of an equality of votes the president, vice-president or presiding director shall give the casting vote, in addition to his vote as a director. The directors may also appoint honorary directors or local directors in any city or town in which the company transact business, with such duties and powers as they may deem proper for the supervision of the business of the company in such places; but no person shall be qualified to be elected a director unless he hold twenty shares, nor a local director unless he hold five shares in the stock of the company, whereon the calls made shall have been paid. 15 20 25 30 35 40 45

Vacancies
among direc-
tors.

Meetings of
directors.

Honorary Di-
rectors.

Qualification
of directors.

Issuing of
certificates and
policies.

Investment.

8. The board shall fix the rates at, and rules and condition under, which the company's policies and certificates shall be issued, and shall have charge of the investment of the funds of the company; and no policy of insurance shall be issued until eight thousand dollars of such capital stock is paid in and invested. It shall be lawful for the company to invest its funds in the debentures, stocks or other securities of the Dominion of Canada, or of the Province of Ontario, or in municipal debentures, or in the debentures of any school section, or on the 50 55

security of real estate or mortgage thereon, or in any loan collaterally secured by any of the above securities, and may hold such real estate as shall have been *bona fide* mortgaged to it by way of security, or conveyed to it in satisfaction of debts, or judgments recovered: Provided that all such real estate, other than the buildings in which its officers in various places may be, which it is hereby declared it may hold and possess shall be sold within ten years from the time of its becoming the absolute property of the company: And to facilitate the investment of money the company may lend upon mortgage of real estate or otherwise, sums repayable by successive instalments, combining principal and interest: The business of the company shall be confined to Accident or Life Insurance.

Powers to acquire and hold real estate.

Business of the company.

9. The shares of the company shall be transferable by the parties holding the same, according to the by-laws or rules of the company; but no share shall be transferred until all calls thereon are paid and the transmission of interest in any share of the stock of the company in consequence of the marriage, insolvency, or death of the shareholder, or by any other means than the ordinary transfer, shall be proved and regulated in such form as the board may from time to time direct: And in any action for the recovery of calls or arrears of calls, it shall be sufficient for the company to allege and prove that the defendant, being an owner of shares therein according to the books of the company, in respect of so many shares in the sums due; and at the trial it shall only be necessary to prove that the defendant was owner of the shares, and that the call was made according to the by-laws or rules of the company.

Transfer of shares.

Actions for calls.

10. The head office of the company shall be in the City of Toronto, or elsewhere in the Province of Ontario, as may be determined by a two-thirds vote of the shareholders.

Head office.

11. Until otherwise determined by the board, the books shall be annually balanced as at the thirty-first day of December, once in each year, and within three months from the first of January a general meeting of shareholders shall be called by the board, at which a full statement of the company's affairs shall be submitted, and ten days' notice of the meeting shall be given by advertisement in one newspaper in the place where the head office is and also by two insertions in the *Ontario Gazette*.

General meetings.

12. At such general meetings shareholders shall have one vote for each share on which all calls are paid, and votes may be cast in person or by proxy, but no proxy can vote unless he be a qualified shareholder; the shareholders shall at such meeting appoint directors by ballot, but all other proceedings shall be determined by open vote; but the company shall not be dissolved by failure to elect directors as above: Corporations holding stock in the company may be represented at such meetings by their chief executive officers, one for every twenty shares held.

Proceedings at general meetings.

Corporation stockholders.

13. Special meetings of shareholders may be called by the directors, or on the requisition of shareholders holding one-third of the company's stock; and ten days' notice of such special meetings, stating the objects for which they are called, shall be sent to each shareholder by mail; lists of the shareholders shall be at all times accessible to any of them.

Special meetings.

3rd Session, 2nd Parliament, 37 Victoria, 1874.

216 40

BILL.

An Act to incorporate "The Canada Live
Stock Insurance Company of Ontario."

First Reading, 6th February, 1874.

(PRIVATE BILL.)

MR. HODGINS.

TORONTO:

PRINTED BY HUNTER, ROSE & CO.

An Act respecting Line Fences.

HER Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

- 1.** The Act, Chaptered fifty-seven of the Consolidated Statutes for Upper Canada; the Act, Chaptered forty-six, of the Statutes of Ontario, passed in the thirty-second year of Her Majesty's reign, so far as they affect line fences, and all Acts, and parts of Acts, respecting the subject provided for in this Act are repealed. Repeal of previous enactments.
- 2.** Owners of occupied adjoining lands shall make, keep up and repair a just proportion of the fence which marks the boundary between them, or if there is no fence, they shall so make, keep up and repair the same proportion, which is to mark such boundary. Duties of owners of adjoining lands as to fences.
- 3.** In case of dispute between owners respecting such proportion, the following proceedings shall be adopted: Disputes between owners, how to be settled.
 Either owner may notify the other owner or the occupant of the land of the owner so notified, that he will, not less than one week from the service of such notice, cause the fence viewers of the locality to arbitrate in the premises. Such owners so notifying shall also notify three fence viewers, not less than one week before their services are required. The notices in both cases shall be in writing, signed by the person notifying, and shall specify the time and place of meeting for the arbitration, and may be served by leaving the same at the place of abode of such owner or occupant, with some grown-up person residing thereat, or in case of such lands being untenanted, by leaving such notice with any agent of such owner.
- 4.** The fence viewers shall examine the premises, and if required by either party, they shall hear evidence, and are authorized to examine the parties and their witnesses on oath, and any one of them may administer the oath or an affirmation as in courts of law. Duties and powers of fence viewers.
- 5.** The fence viewers shall make an award in writing, signed by any two of them, respecting the matters so in dispute. The award shall specify the locality, quantity, description, and the lowest price of the fence it orders to be made, and the time within which the work shall be done; and in making such award, the fence viewers shall regard the nature of the fences in use in the locality, the pecuniary circumstances of the persons between whom they arbitrate, and generally the suitableness of the fence ordered to the wants of each party, whether in respect Award of fence viewers.

of ornament or usefulness; and where from the formation of the ground, by reason of streams or other causes, it is found impossible to locate the fence upon the line between the parties, it shall be lawful for the fence viewers to locate the said fence either wholly or partially on the land of either of the said parties, where to them it may seem to be most convenient. If necessary, the fence viewers may employ a Provincial land surveyor, and have the locality described by metes and bounds. 5

Deposit of
award.

6. The award shall be deposited in the office of the Clerk of the Council of the Municipality in which the lands are situate. 10 It is an official document, and may be given in evidence in any legal proceeding by certified copy, as are other official documents, and notice of its being made shall be given to all parties interested.

Award may be
evidence.

Award, how
enforced.

7. The award may be enforced as follows: The person desiring to enforce it must serve upon the owner or occupant of the adjoining lands a notice in writing, requiring him to obey the award, and if the award is not obeyed within one week after service of such notice, the person so desiring to enforce it may do the work which the award directs, and immediately recover 20 its value from the owner by action, in any of the courts of proper jurisdiction.

Award to be a
charge on
lands, if
registered.

8. The award is a lien and charge upon the lands which it affects to the same extent as a mortgage, provided that it is registered in the Registry Office of the County in which the 25 lands are. Such registration may be in duplicate or copy, proved by affidavit of a witness to the original, or otherwise, as in the case of any deed which is within the meaning of the Acts respecting registration of deeds of lands.

How regis-
tered.

Duty and
liability of
occupants as
to notifying
owners.

9. An occupant, not the owner of land notified in the manner 30 above mentioned, must immediately notify the owner of such notification; if he neglects so to do, he is liable for all damage caused to the owner by such neglect.

Fees to fence
viewers and
witnesses.

10. The fence viewers are entitled to receive two dollars each for every day's work under this Act. Provincial land survey- 35 ors and witnesses are entitled to the same compensation as if they were subpoenaed in any superior court of law.

Appeals.

11. Any person dissatisfied with the award made may appeal therefrom to the Judge of the County Court of the County in which the lands are situate; for such appeal the proceedings 40 shall be as follows: The appellant shall serve upon the fence viewers, and all parties interested, a notice in writing of his intention to appeal, not less than one week from the time he has been notified of the award; such notice may be served as other notices mentioned in this Act. The appellant must also 45 deliver a copy of such notice to the Clerk of the Division Court of the Division in which the land lies, which Clerk shall immediately notify the Judge of such appeal, whereupon the Judge shall appoint a time for the hearing thereof, and, if he think fit, order such sum of money to be paid by the appellant to the said 50 Clerk as shall be a sufficient indemnity against costs of the appeal, and the Judge shall order the time and place for the hearing of the appeal, and communicate the same to the Clerk, who

shall notify the fence viewers and all parties interested, in the manner hereinbefore provided for the service of other notices under this Act, and the Judge shall hear and determine the appeal, and set aside, alter, or affirm the award; he may examine parties and witnesses on oath, and, if he so please, may inspect the premises; he may order payment of costs by either party, and fix the amount, and his decision shall be final; and the award, as so altered or confirmed, shall be dealt with in all respects as it would have been if it had not been appealed from.

12. Any agreement between owners respecting such line fence in writing may be filed or registered and enforced as if it was an award of fence viewers, and such agreement may be in the words or to the effect following: "The undersigned, owners of adjoining lands (*describe them*), agree that each shall make, keep up and repair the fence which divides their properties, as follows:—(*state agreement*.)

13. This Act is not to affect any proceedings under former Acts.

Registration
of agreements.

Pending
proceedings
excepted.

14. This Act may be cited in any proceeding or document as the "Ontario Line Fences Act."

Shor title.

BILL.

An Act respecting Line Fences.

First Reading, 6th February, 1874.

MR. PRINCE.

TORONTO:

PRINTED BY HUNTER, ROSE & CO.

An Act respecting Line Fences.

HER Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. The Act Chaptered fifty-seven of the Consolidated Statutes for Upper Canada ; the Act, Chaptered forty-six, of the Statutes of Ontario, passed in the thirty-second year of Her Majesty's reign, so far as they affect line fences, and all Acts, and parts of Acts, respecting the subject provided for in this Act are repealed. Repeal of previous enactments.
2. Owners of occupied adjoining lands shall make, keep up and repair a just proportion of the fence which marks the boundary between them, or if there is no fence, they shall so make, keep up and repair the same proportion, which is to mark such boundary. Duties of owners of adjoining lands as to fences.
3. In case of dispute between owners respecting such proportion, the following proceedings shall be adopted : Disputes between owners, how to be settled.
 Either owner may notify the other owner or the occupant of the land of the owner so notified, that he will, not less than one week from the service of such notice, cause the fence viewers of the locality to arbitrate in the premises. Such owners so notifying shall also notify the fence viewers, not less than one week before their services are required. The notices in both cases shall be in writing, signed by the person notifying, and shall specify the time and place of meeting for the arbitration, and may be served by leaving the same at the place of abode of such owner or occupant, with some grown-up person residing thereat, or in case of such lands being untenanted, by leaving such notice with any agent of such owner.
4. The fence viewers shall examine the premises, and if required by either party, they shall hear evidence, and are authorized to examine the parties and their witnesses on oath, and any one of them may administer the oath or an affirmation as in courts of law. Duties and powers of fence viewers.
5. The fence viewers shall make an award in writing, signed by any two of them, respecting the matters so in dispute. The award shall specify the locality, quantity, description, and the lowest price of the fence it orders to be made, and the time within which the work shall be done; and the award shall state by which of the said parties the costs of the proceedings shall be paid, or whether either party shall pay some proportion of such costs ; Award of fence viewers.

and in making such award, the fence viewers shall regard the nature of the fences in use in the locality, the pecuniary circumstances of the persons between whom they arbitrate, and generally the suitableness of the fence ordered to the wants of each party; and where from the formation of the ground, by reason of streams or other causes, it is found impossible to locate the fence upon the line between the parties, it shall be lawful for the fence viewers to locate the said fence either wholly or partially on the land of either of the said parties, where to them it may seem to be most convenient. If necessary, the fence viewers may employ a Provincial land surveyor, and have the locality described by metes and bounds. 5

Deposit of
award.

6. The award shall be deposited in the office of the Clerk of the Council of the Municipality in which the lands are situate. It is an official document, and may be given in evidence in any legal proceeding by certified copy, as are other official documents, and notice of its being made shall be given to all parties interested. 15

Award may be
evidence.

Award, how
enforced.

7. The award may be enforced as follows: The person desiring to enforce it must serve upon the owner or occupant of the adjoining lands a notice in writing, requiring him to obey the award, and if the award is not obeyed within one month after service of such notice, the person so desiring to enforce it may do the work which the award directs, and immediately recover its value from the owner by action, in any division court having jurisdiction in the locality: Provided always, that the judge of such division court may, on application of either party, extend the time for making such fence to such time as he may think just. 20

Award to be a
charge on
lands, if
registered.

8. The award is a lien and charge upon the lands respecting which it is made, provided that it is registered in the Registry Office of the County in which the lands are. Such registration may be in duplicate or by copy, proved by affidavit of a witness to the original, or otherwise, as in the case of any deed which is within the meaning of the Acts respecting registration of deeds of lands. 30

How regis-
tered.

Duty and
liability of
occupants as
to notifying
owners.

9. An occupant, not the owner of land notified in the manner above mentioned, must immediately notify the owner; if he neglect so to do, he is liable for all damage caused to the owner by such neglect. 40

Fees to fence
viewers and
witnesses.

10. The fence viewers are entitled to receive two dollars each for every day's work under this Act. Provincial land surveyors and witnesses are entitled to the same compensation as if they were subpoenaed in any division court.

Appeals.

11. Any person dissatisfied with the award made may appeal therefrom to the Judge of the County Court of the County in which the lands are situate; for such appeal the proceedings shall be as follows: The appellant shall serve upon the fence viewers, and all parties interested, a notice in writing of his intention to appeal, not less than one week from the time he has been notified of the award; such notice may be served as other notices mentioned in this Act. The appellant must also deliver a copy of such notice to the Clerk of the Division Court 45

of the Division in which the land lies, which Clerk shall immediately notify the Judge of such appeal, whereupon the Judge shall appoint a time for the hearing thereof, and, if he think fit, order such sum of money to be paid by the appellant to the said Clerk as shall be a sufficient indemnity against costs of the appeal, and the Judge shall order the time and place for the hearing of the appeal, and communicate the same to the Clerk, who shall notify the fence viewers and all parties interested, in the manner hereinbefore provided for the service of other notices under this Act, and the Judge shall hear and determine the appeal, and set aside, alter, or affirm the award; he may examine parties and witnesses on oath, and, if he so please, may inspect the premises; he may order payment of costs by either party, and fix the amount, and his decision shall be final; and the award, as so altered or confirmed, shall be dealt with in all respects as it would have been if it had not been appealed from.

12. Any agreement between owners respecting such line fence in writing may be filed or registered and enforced as if it was an award of fence viewers. Registration of agreements.

13. The forms in the schedules are to guide the parties; being varied according to circumstances. Forms.

14. This Act is not to affect any proceedings under former Acts. Pending proceedings excepted.

15. This Act may be cited in any proceeding or document as the "Ontario Line Fences Act." Short title.

SCHEDULE "A."

NOTICE TO OPPOSITE PARTY.

Take notice that the fence viewers of this locality will attend on the day of 18 , at the hour of , to view and arbitrate upon the line fence in dispute between our properties being lots *one* and *two* in the Concession of the Township of , in the County of .
Dated this day of 18

A. B.,
Owner of lot 1.

To C. D.,
Owner of lot 2.

SCHEDULE "B."

NOTICE TO FENCE VIEWERS.

Take notice that I require you to attend at on the day of A.D., 18 , at o'clock, A.M., to view and arbitrate on the line fence between my property and that of Mr. , being lots Nos. *one* and *two* in the Concession of the Township of in the County of .
Dated this day of 18

A. B.,
Owner of lot.

SCHEDULE "C."

AWARD.

We, the fence viewers of the locality, having been required by (*name and description of owner who notified*) to view and arbitrate upon the line fence between him and (*name and description of owner notified*), which fence is to be made and maintained between (*describe properties*), and having examined the premises and duly acted according to the Ontario Line Fences Act, do award as follows: That part of the said line which commences at and ends at (*describe the points*) shall be fenced, and the fence maintained by the said , and that part thereof which commences at and ends at (*describe the points*) shall be fenced, and the fence maintained by the said . The fence shall be of the following description: (*state the kind of fence, height, material, &c.*), and shall cost at least per rod. The work shall be commenced within days, and completed within days from this date, and the costs shall be paid by (*state by whom paid, if by both, in what proportion*).
Dated this day of A.D., 18 .

(*Signatures of fence viewers.*)

SCHEDULE TO AGREEMENT.

We and owners respectively of lots *one* and *two* in the Concession of the Township of , in the County of , do agree that the line fence which divides our said properties shall be made and maintained by us as follows: (*follow same form as in the award*).
Dated this day of A.D., 18 .

Signatures of parties.

BILL.

An Act respecting Line Fences.

1st Reading, 6th February, 187
2nd " 12th " " "

(*Reprinted as Amended.*)

MR. PRIN

TORONTO:

PRINTED BY HUNTER, ROSE & CO.

An Act to empower the Superior Courts in Ontario to admit B. H. Vidal to practice as an Attorney and Solicitor.

WHEREAS Beaufort Henry Vidal has by his petition set forth, that in Easter term, in the year of our Lord one thousand eight hundred and sixty, he having passed the required examination, was admitted a member of the law society of the Province of Ontario; And whereas, in the month of May, in the same year, he was articulated to a practising attorney and solicitor to serve for a period of five years, and that he actually served under such articles and assignments until the month of February, in the year of our Lord one thousand eight hundred and sixty-two, at which period he proceeded to England to receive a commission in the army, and after receiving his commission was employed in various foreign countries for a period of more than seven years, and was in consequence unable to complete his service under articles; And whereas, in Michaelmas term, in the year of our Lord one thousand eight hundred and seventy-two, he having passed the required examination, was called to the bar of Ontario, and that his name now remains on the books of the Law Society of Ontario, as a barrister thereof; and that he has since his admission to the bar spent upwards of twelve months in the office of a practising attorney and solicitor, and has articulated himself to a practising attorney and solicitor, and done everything in his power to qualify himself for the performance of the duties of an attorney and solicitor; And whereas, the said Beaufort Henry Vidal is desirous of being admitted to practice as an Attorney-at-Law and Solicitor in chancery, and has with the consent of the Benchers of the Law Society of Ontario, prayed that an Act may be passed to enable the Courts of Queen's Bench and Common Pleas, and the Court of Chancery for Ontario to admit him to practise as an attorney and solicitor of the said courts respectively, notwithstanding that he has not been articulated to a practising attorney and solicitor for the full period of one year since his admission to the bar, as required by law in his case: Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. It shall and may be lawful for the Courts of Queen's Bench and Common Pleas and the Court of Chancery respectively, on sufficient proof being given that the said Beaufort Henry Vidal has duly and properly served under articles of clerkship for the periods specified in his petition, and up to the time of the passing of this Act, and that he has passed the required examination for call to the bar, and has been called to

Preamble-

Superior
Courts to ad-
mit B. H. Vidal
to practice as
an Attorney
and Solicitor.

the bar of Ontario, and that his name now remains on the books of the Law Society of Ontario, as a barrister thereof, and that he has paid to the said society the fees required to be paid to the said society, on admission as an attorney and solicitor, and has obtained the consent of the Benchers of the said society to the passing of this Act, to admit the said Beaufort Henry Vidal as an attorney and solicitor of the said courts respectively, any law or usage to the contrary notwithstanding, upon payment of the usual fees. 5

BILL.

An Act to empower the Superior Courts in Ontario to admit B. H. Vidal to practise as an Attorney and Solicitor.

First Reading, 9th February, 1874.

(PRIVATE BILL.)

MR. BETHUNE.

TORONTO :

PRINTED BY HUNTER, ROSE & CO.

An Act to Incorporate the North American Despatch Company.

WHEREAS William Alexander Thomson, Sidney Dillon, Preamble.

and others, have by their petition prayed that they may be incorporated as a rolling stock company, with power to own, lease, hire and work railway rolling stock and other
5 plant and property necessary for transportation purposes; and whereas it is expedient to grant the prayer of said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

- 10 **1.** William Alexander Thomson, Milton Courtright, P. L. Incorporation.
Cable, David Dows, Sidney Dillon, W. L. Scott, E. A. Wickes, together with all such other persons as shall become shareholders in the company hereby constituted, shall be and are hereby made a body corporate and politic under the name
15 of the North American Despatch Company. Name.

- 2.** The said company are hereby authorized and empowered Powers.
to own, manufacture, construct, purchase, lease, hire, or otherwise become possessed of, and work and use, and, when they so desire, sell and dispose of, railway cars or railway rolling
20 stock; and the company may lease, let or hire the same, if so desired, to any railway company or other company or individual, on such terms as may be agreed upon.

- 3.** The said company is hereby authorized to mortgage or Authority to mortgage moveable property.
25 hypothecate all or any of such cars, rolling stock, or other the moveable effects of the company, either generally or mentioning them specifically as security for the due payment of any bonds issued or other debt incurred by them: Provided that any mortgages made for that purpose shall not be valid unless they shall be filed within one month after their execution with the clerk of
30 the county court of the County of Elgin, accompanied by an affidavit made by an officer of the said company, or any other person interested in the said mortgage either as principal or agent, that such mortgages are made for the bona fide purpose for which they may purport to be made, and the Acts relating
35 to chattel mortgages and sales and pledges of personal property shall not apply to such mortgages. Chattel Mortgage Act suspended.

- 4.** The said company may from time to time purchase, hire, Power to hold real estate.
lease and hold such real or immoveable property as may be necessary or useful for the prosecution of their business, and may
40 sell, lease or otherwise dispose of such property from time to time as may to them seem fit.

Power to unite
with other
companies.

5. It shall be lawful for the said company to unite, amalgamate and consolidate its stock, property and franchises with the stock, property and franchises of any company incorporated, or which may be incorporated by the laws of Canada or of the United States of America, and being legally capable of making such union, and the directors of this company are hereby empowered to enter into all contracts and agreements therewith necessary to such union and amalgamation; Provided that such agreement shall be sanctioned by a majority of the stockholders present, in person or by proxy, at a meeting called to consider the terms of such agreement. 5 10

Capital stock
and shares.

6. The capital stock of the company shall be the sum of one hundred thousand dollars, in one thousand shares of one hundred dollars each, which said capital stock may be from time to time increased by a two-third vote of the majority of the stockholders at a meeting of the company called for the purpose, to an amount not exceeding one million dollars. 15

Increasing
capital.

How the
stock to be
paid.

7. The capital stock shall be paid by the subscribers therefor, when, where and as the directors of the company shall require, or as the by-laws may provide; and if not paid at the day required, interest at the rate of six per centum per annum shall be payable after the said day upon the amount due and unpaid; and in case any instalment or instalments shall not be paid as required by the directors with the interest thereon, after such demand or notice as the by-laws prescribe, and within the time limited by such notice, the directors may by vote, reciting the fact and duly recorded in their records summarily forfeit any shares whereon such payment is not made, and the same shall thereupon become the property of the company, and may be disposed of as the by-laws or votes of the company may provide; Provided always, that the notice of any such call shall be published for three weeks in the *Ontario Gazette*. 20 25 30

If not paid
promptly in-
terest to be
charged.

Forfeiture for
non-payment.

Stock, how
assignable.

8. The stock of the company shall be deemed personal estate, and be assignable in such manner only and subject to such conditions and restrictions as the by-laws prescribe; but no share shall be assignable until all instalments called for thereon have been paid, unless it has been declared forfeited for non-payment. 35

Aliens may be
shareholders.

9. Aliens as well as British subjects and whether resident in this Province or elsewhere may be shareholders in the said company; and all such shareholders shall be entitled to vote on their shares equally with British subjects, and shall be also eligible to hold all offices as directors or otherwise in the said company. 40

Meetings and
manner of vot-
ing.

10. At all meetings of the company every shareholder, not being in arrear in respect of any instalment called for, shall be entitled to as many votes as he holds shares in the stock of the company; and no shareholder being in arrear shall be entitled to vote; and all votes may be given in person or by proxy; Provided always the proxy is held by a shareholder not in arrear and is in conformity with the by-laws. 45 50

Proviso.

Directors, how
elected, and
qualification.

11. The affairs of the company shall be administered by a board of seven directors, being severally holders of at least ten shares of stock, who shall be elected at the first general 5

meeting, and thereafter at each annual meeting of the company, to hold office until their successors are elected, and who (if otherwise qualified) may always be re-elected; and three members of such board, present in person shall be a quorum thereof; and
 5 in case of the death, resignation, removal or disqualification of any director, such board if they see fit, may fill the vacancy Vacancies how filled. until the next annual meeting of the company, by appointing any qualified shareholder thereto: but a failure to elect directors, or any failure of directors shall not dissolve the corporation, and an election may be had at any general meeting of the
 10 company called for the purpose.

12. The board of directors shall have full power in all things Powers of the board. to administer the affairs of the company; and to make or cause to be made any purchase and any description of contract which
 15 the company may by law make; to adopt a common seal; to make from time to time any and all by-laws (not contrary to law or to the votes of the company) regulating the calling in of instalments on stock and payment thereof; the issue and registration of certificates of stock; the forfeiture of stock for non-
 20 payment; the disposal of forfeited stock and the proceeds thereof; the transfer of stock; the declaration and payment of dividends; the appointments, functions, duties and removal of all agents, officers and servants of the company; the security to be given by them to the company; their remuneration, and
 25 that, if any, of the directors; the time and place for holding the annual and other meetings of the company; the calling of meetings of the company and of the board of directors; the requirements as to proxies; the procedure in all things at such meeting; the site of their chief place of business which shall be within
 30 the Province, and of any other offices they may require to have; the imposition and recovery of all penalties and forfeitures admitting of regulation by by-law; and the conduct in all other particulars of the affairs of the company; but every such by-law and every repeal, amendment and re-enactment thereof shall have
 35 force only until the next annual meeting of the company, unless confirmed at some general meeting of the company; and every copy of any by-law under the seal of the company and purporting to be signed by any officer of the company shall be received in all courts of law as *prima facie* evidence of such
 40 by-law.

13. Until the first election of such board, P. L. Cable, W. A. Thomson, Sidney Dillon, W. L. Scott, E. A. Wickes, and Nicol Kingsmill, shall be a provisional board of directors of the
 45 said company; with full power to fill vacancies; to open stock books; assign stock; make calls for and collect instalments; issue certificates and receipts; convene the first general meeting of the company, at such time and place within this Province as they shall determine; and to do other acts necessary or proper to be
 done to organize the company and conduct its affairs. Copies of by-laws to be prima facie evidence thereof? Provisional directors; their powers.

14. The company shall not be bound to see to the execution
 50 of any trust, whether express, implied or constructive, in respect of any shares; and the receipt of the person in whose name the same shall stand in the books of the company shall be a discharge to the company for any dividend or money payable
 55 in respect of such share, whether or not notice of such trust shall have been given to the company, and the company shall not be bound to see to the application of the money paid upon such receipt. Company not liable as trustees.

Liability of
shareholders
defined.

15. The shareholders of the company shall not, as such, be held responsible for any act, default or liability whatsoever of the company, or for any engagement, claim, payment, loss, injury, transaction, matter or thing whatsoever relating to or connected with the company, beyond the amount unpaid upon their shares in the stock thereof, except as provided in the next following section. 5

Shareholders
liable for
debts due to
employees.

16. The shareholders in this company shall be jointly and severally individually liable for all debts due and owing to any of the labourers and servants thereof for services performed for the company ; but no shareholders in such company shall be personally liable in respect of any such debt which is not to be paid within one year from the time the debt is contracted, nor unless a suit for the collection of such debt be brought against the company within one year after the debt became due ; and no suit shall be brought against any shareholder in such company for any debt so contracted, unless the same be commenced within two years from the time he ceased to be a shareholder in such company, nor until an execution against the company shall have been returned unsatisfied in whole or in part. 10 15 20

Negotiable
instruments.

17. The company shall have power to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars ; and any such promissory note made or endorsed, and such bill of exchange drawn, accepted or endorsed by the president or vice-president of the company and countersigned by the secretary or treasurer and under the authority of a majority of a quorum of the directors, shall be binding on the company ; and every such promissory note or bill of exchange made, drawn, accepted or endorsed by the president or vice-president of the said company, and countersigned by the secretary or treasurer as such, shall be presumed to have been properly made, drawn, accepted or endorsed, as the case may be, for the company, until the contrary be shewn ; and in no case shall it be necessary to have the seal of the company affixed to any such bill of exchange or promissory note ; nor shall the president, vice-president, secretary or treasurer of the company, so making, drawing, accepting or endorsing any such promissory note or bill of exchange, be thereby subjected individually to any liability whatever, unless the same be given in respect of amounts due for wages or salaries to servants and employees of the company : Provided always, that nothing in this section shall be construed to authorize the said company to issue any note of a character to be circulated as money or as the notes of a bank. 25 30 35 40

Proviso.

Company may
borrow money
and issue
bonds, &c.

18. The directors of the said company, after the sanction of the shareholders shall have been first obtained at a general meeting to be called from time to time for such purpose, shall have power to borrow from time to time for the purposes of the company hereby incorporated, either in this Province or elsewhere, such sums of money as may be expedient for carrying out the objects of the said incorporation, and at such rates of interest as they may deem proper, and to issue bonds, debentures or other securities for the sum so borrowed, and to make the same payable either in currency or sterling, and at such place or places within the Province or elsewhere, as may be deemed advisable, and to sell the same at such prices as may be 45 50 55

deemed expedient, and to hypothecate, mortgage or pledge the lands, revenues and other property real and personal of the company, for the due payment of the said sums and the interest thereon; but no such debentures shall be for a less sum than one hundred dollars: Provided that such bonds, debentures and securities shall be made and signed by the president or vice-president of the said company, and countersigned by the secretary of the said company, and under the seal of the said company. Proviso.

19. The company shall not commence operations under this When to com-
 10 Act until at least ten per centum of the amount of their capital mence busi-
 stock shall have been paid in. ness.

20. The Joint Stock Companies' Clauses Consolidation Act Joint Stock
 of the Province of Canada shall not be construed to apply to the Co'y Act not
 company hereby incorporated. to apply.

BILL.

An Act to incorporate the North American
Despatch Company.

First Reading, 9th February, 1874.

(*PRIVATE BILL.*)

MR. SINCLAIR.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act to Amend an Act respecting Municipal Institutions in the Province of Ontario.

HER Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Sub-section two of section two hundred and thirty-
 5 one of the Act respecting Municipal Institutions in the Province of Ontario, passed in the thirty-sixth year of Her Majesty's reign, chaptered forty-eight, is hereby repealed, and the following substituted in lieu thereof, and read as sub-section two of section two hundred and thirty-one of said Act :
 10 (231.) (2.) The Council shall, before the final passing of the proposed by-law, publish a copy thereof in some public newspaper published within the municipality or, if there is no such newspaper, in some public newspaper published nearest the municipality, the publication to be continued in at least one
 15 number of such paper for three successive weeks, and shall also put up a copy of the by-law at four or more of the most public places in the municipality.
2. Ssection two hundred and thirty-seven of the said Act is
 hereby repealed, and the following substituted in lieu thereof :
 20 (237.) Every promulgation of a by-law shall consist in the publication, through the public press, of a true copy of the by-law, and of the signature attesting its authenticity, with a notice appended thereto of the time limited by law for applications to the courts to quash the same or any part thereof; and
 25 the publication aforesaid shall be in a public newspaper published within the municipality or, if there be no such newspaper, then in the public newspaper published nearest the municipality; and the publication shall, for the purpose aforesaid, be continued in at least one number of such paper for three successive
 30 weeks.
3. Section two hundred and fifty-two of the said Act is
 hereby repealed, and the following substituted in lieu thereof :
 (252.) No such by-law of a County Council for contracting
 any such debt or loan for an amount not exceeding in any one
 35 year twenty thousand dollars, over and above the sums required for its ordinary expenditure, shall be valid, unless the same is passed at a meeting of the Council specially called for the purpose of considering the same, and held not less than three months after a copy of such by-law, as the same is ultimately
 40 passed, together with a notice of the day appointed for such meeting, has been published in some newspaper issued weekly or oftener within the county, or if there be no such public newspaper, then in a public newspaper published nearest to the county, which said notice may be to the effect following :—

36 V. c. 48, s. 231, sub. 2, repealed.

By-law requiring assent of electors to be published.

Sec. 237 repealed.

Promulgation of by-laws.

Sec. 252 repealed.

By-law not to be valid, unless passed at meeting specially called and held three months after notice, &c.

Form of notice. The above is a true copy of a proposed by-law to be taken into consideration by the municipality of the county, (or united counties) of _____ at _____ in the said county, (or united counties), on the _____ day of _____, 18____, at the hour of _____ o'clock in the _____ noon, at which time and place the members of the council are hereby 5 required to attend for the purpose aforesaid.

G. H.
Clerk.

Sec. 253 re-pealed. 4. Section two hundred and fifty-three of the said Act is 10 hereby repealed, and the following substituted in lieu thereof:

When part of money raised is not required, by-law may be re-pealed as to residue. (253.) When part only of a sum of money provided for by a by-law has been raised, the council may repeal the by-law as to any part of the residue, and as to a proportionate part of the special rate imposed therefor, and when any money so raised has not been required to be used for the purpose of carrying 15 out the objects of such by-law, or no debentures have been issued thereunder, the council may repeal such by-law; Pro-

Proviso. vided the repealing by-law recites the facts on which it is founded, and is appointed to take effect on the thirty-first day of December, in the year of its passing, and does not affect any 20 rates due, or penalties incurred before that day, and provided the by-law is first approved by the Governor in Council.

Sec. 333 re-pealed. 5. Section three hundred and thirty-three of the said Act is hereby repealed, and the following substituted in lieu thereof:

Board of Commissioners of Police, of whom composed. (333.) In every city where there is a police magistrate there is 25 hereby constituted a board of commissioners of police, and such board shall consist of the mayor, the judge of the county courts of the county in which the city is situate, and the police magistrate, and in case the office of county judge or that of police magistrate be vacant, the council of the city shall appoint a 30 person resident therein to be a member of the board, or two persons so resident to be members thereof, as the case may require, during such vacancy; such commissioners shall have power to summon and examine witnesses on oath in all matters 35 connected with the administration of their duties.

Sec. 339 re-pealed. 6. Section three hundred and thirty-nine of the said Act is hereby repealed, and the following substituted in lieu thereof:

Police force. (339.) The police force in cities having a police magistrate shall consist of a chief constable and as many constables and other officers and assistants as the Council from time to time 40 deem necessary, but not less in number than the board reports to be absolutely required.

Sec. 244 re-pealed. 7. Section three hundred and forty-four of the said Act is hereby repealed, and the following substituted in lieu 45 thereof:

Constable in towns. (344.) The Council of every town shall appoint one chief constable, and one or more constables, for the municipality, and the persons so appointed shall hold office during the pleasure of the Council.

Sec. 410 re-pealed. 8. Section four hundred and ten of the said Act is hereby 50 repealed, and the following substituted in lieu thereof:

Jurisdiction of County Council. (410.) The County Council shall have exclusive jurisdiction

over all roads and bridges lying within any township, town, or village of the county, and which the Council by by-law assumes with the assent of such township, town, or village municipality as a county road, or bridge, until the by-law has been
5 repealed by the Council, and over all bridges across streams separating two townships in the county, and over all bridges crossing streams or rivers over two hundred feet in width, within the limits of any incorporated village in the county, and connecting any highway which is in the continuation of a county
10 road, leading through the county and over every road or bridge dividing different townships, although such road or bridge may so deviate as in some places to lie wholly, or in part, within one township.

No. 36.

3rd Session, 2nd Parliament, 36 Victoria, 1874

BILL.

An Act to Amend an Act respecting
Municipal Institutions in the Province of
Ontario.

First Reading, 9th February, 1874.

MR. CLARKE.

TORONTO:

PRINTED BY HUNTER, ROSE & Co

An Act to Amend an Act respecting Municipal Institutions in the Province of Ontario.

HER Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Any territory, which, under the tenth section of the Act 36 Vic., c. 48,
 5 respecting Municipal Institutions in the Province of Ontario, s. 10,
 passed in the thirty-sixth year of Her Majesty's reign, and
 chaptered forty-eight, is detached from one county and annexed
 to another, shall continue subject to all rates which had been,
 prior to the separation, imposed for the payment of county debts
 10 or for the payment of bonuses or aids, granted by sections of the
 county to railways, or for the payment of local improvement
 debts; and the council of the county or of village, as the case
 may require, shall pass such by-laws, and take such proceedings
 as may be necessary for levying the said rates; and shall pay
 15 over the same when collected to the municipality which is liable
 for the debt, on account of which the rates were imposed: Pro-
 vided, this section shall apply to any territory which may be
 detached from one county and annexed to another, during the
 present session of the Legislature of Ontario.
2. Section one hundred of the said Act is hereby repealed,
 20 and the following is substituted in lieu thereof: Sec. 100, re-
 (100.) The oaths or affirmations to be required of any person
 claiming to vote otherwise than in respect of a freehold, shall
 be as follows, or to such effect:—That he is of the full age of
 25 twenty-one years, and is a natural born or naturalized subject
 of Her Majesty; that he has not voted before at the election in
 the township, village or ward, (*as the case may be,*) in which he
 is tendering his vote, and (*if tendering his vote for mayor, reeve,
 or deputy-reeve;*) that he has not voted before or elsewhere in the
 30 municipality, for the election of mayor, reeve, or deputy-reeve,
 (*as the case may be;*) that he has not, directly or indirectly, re-
 ceived any reward or gift, nor does he expect to receive any, for
 the vote which he tenders at the election; that he has been re-
 sident within the municipality for which the election is held
 35 for one month next before the election, and that he is, (*or his
 wife is,*) a householder or tenant within such municipality, and
 that he is the person named or purporting to be named on the
 list of the electors, and at the time of the last final revision and
 correction of the assessment roll upon which the list is based,
 40 he was actually truly, and in good faith, possessed to his own
 use and benefit, as tenant or occupant, of the real estate in re-
 spect of which his name is entered on the said list; (*or in the case
 of a new municipality in which there has not been any assess-
 ment roll, then instead of swearing to residence for one month
 45 next before the election, and referring to the list of electors, the*

Liability of
 territory de-
 tached from
 one county and
 annexed to
 another.

Sec. 100, re-
 pealed.

Oaths of
 voters.

person offering to vote may be required to state in the oath, the property in respect of which he claims to vote ; and that he is a resident of such municipality.)

Sec. 104, re-
pealed.

Nomination
meetings.

3. Section one hundred and four of the said Act is hereby repealed, and the following substituted in lieu thereof :

(104.) A meeting of the electors shall take place for the nomination of candidates for the offices of aldermen in cities, councillors in towns, and of reeves, deputy-reeves, and councillors in townships not divided into wards, and incorporated villages, at noon, on the last Monday in December, annually, at such place therein, and in cities and towns, at such places in each ward thereof, as shall from time to time be fixed by by-law, and the deputy-reeves shall be designated as first, second, third ; according to the number to be elected ; provided that in townships divided into wards, the nomination of candidates for the office of reeve, shall be held at ten of the clock in the forenoon, at such places in such township as shall from time to time be fixed by by-law, and the clerk shall preside at the meeting for the nomination of candidates for the office of reeve, and that the nomination of candidates for the office of councillor, to be elected in each ward, shall take place at noon, at such place in the township or in each ward as shall be fixed by by-law.

Sec. 107, re-
pealed.

Places for
holding elec-
tions.

4. Section one hundred and seven of the said Act is hereby repealed, and the following substituted in lieu thereof :

(107.) The council shall by by-law, fix the places for holding the election, and also name the returning officers who shall respectively hold the nomination for each ward, and those who shall preside at the respective polling places.

Quo warranto
proceedings.

5. In the event of any member of any municipal council forfeiting his seat at the council or his right thereto, or of his becoming disqualified to hold his seat, or of his seat becoming vacant by disqualification or otherwise, and of his refusing or omitting to vacate or surrender such seat at any trial after his election, proceedings by *quo warranto* to unseat any such member, as provided by the said Municipal Act for the trial of controverted elections, sections one hundred and thirty-one to one hundred and fifty-two both inclusive, may be had and taken, and such sections shall, for the purpose of such proceedings, apply to any such forfeiture, disqualification, or vacancy.

Sec. 231, sub.
2, repealed.

6. Sub-section two of section two hundred and thirty-one of the said Act, is hereby repealed, and the following substituted in lieu thereof, and shall be read as sub-section two of section two hundred and thirty-one of said Act :

By-law requir-
ing assent of
electors to be
published.

(231.) (2.) The Council shall, before the final passing of the proposed by-law, publish a copy thereof in some public newspaper published within the municipality, or, if there is no such newspaper, in some public newspaper published nearest the municipality, or in the county town, the publication to be continued in at least one number of such paper for three successive weeks, and shall also put up a copy of the by-law at four or more of the most public places in the municipality.

Sec. 237 re-
pealed.

7. Section two hundred and thirty-seven of the said Act is hereby repealed, and the following substituted in lieu thereof :

(237.) Every promulgation of a by-law shall consist in the publication, through the public press, of a true copy of the by-law, and of the signature attesting its authenticity, with a notice appended thereto of the time limited by law for applications to the courts to quash the same or any part thereof; and the publication aforesaid shall be in a public newspaper published within the municipality, or, if there be no such newspaper, then in the public newspaper published nearest the municipality, or in the county town; and the publication shall, for the purpose aforesaid, be continued in at least one number of such paper for three successive weeks.

Promulgation
of by-laws.

8. Section two hundred and fifty-two of the said Act is hereby repealed, and the following substituted in lieu thereof:

Sec. 252 re-
pealed.

(252.) No such by-law of a County Council for contracting any such debt or loan for an amount not exceeding in any one year twenty thousand dollars, over and above the sums required for its ordinary expenditure, shall be valid, unless the same is passed at a meeting of the Council specially called for the purpose of considering the same, and held not less than three months after a copy of such by-law, as the same is ultimately passed, together with a notice of the day appointed for such meeting, has been published in some newspaper issued weekly or oftener within the county, or if there be no such public newspaper, then in a public newspaper published nearest to the county, which said notice may be to the effect following:—

By-law not to
be valid,
unless passed
at meeting
specially called
and held three
months after
notice, &c.

The above is a true copy of a proposed by-law to be taken into consideration by the municipality of the county, (or united counties) of ~~at~~ ~~in the said county,~~ (or united counties), on the ~~day of~~ ~~at~~ ~~o'clock in the~~ ~~noon,~~ at which time and place the members of the council are hereby required to attend for the purpose aforesaid.

Form of notice.

G. H.
Clerk.

9. Section two hundred and fifty-three of the said Act is hereby repealed, and the following substituted in lieu thereof:

Sec. 253 re-
pealed.

(253.) When part only of a sum of money provided for by a by-law has been raised, the council may repeal the by-law as to any part of the residue, and as to a proportionate part of the special rate imposed therefor, and when any money so raised has not been required to be used for the purpose of carrying out the objects of such by-law, or no debentures have been issued thereunder, the council may repeal such by-law: Provided the repealing by-law recites the facts on which it is founded, and is appointed to take effect on the thirty-first day of December, in the year of its passing, and does not affect any rates due, or penalties incurred before that day, and provided the by-law is first approved by the Governor in Council.

When part
of money
raised is not
required, by-
law may be re-
pealed as to
residue.

Provisc.

10. Section three hundred and thirty-one of the said Act is hereby repealed, and the following substituted in lieu thereof:

Sec. 331, re-
pealed.

(331.) Every other town may, if the Governor in Council sees fit to make such an appointment, have a police magistrate; but no such appointment shall in the first instance be made for a town not having more than five thousand inhabitants, until two-thirds of the members of the council, do in council, pass a re-

Police magis-
trates in
towns.

solution affirming the expediency thereof; and the said council may by such resolution, fix the salary to be paid to such police magistrate: Provided always that every police magistrate appointed before the passing of this Act in a town with a less population than five thousand, shall not be affected by this section. 5

Sec. 333 repealed.

Board of Commissioners of Police, of whom composed.

Powers as to witnesses.

11. Section three hundred and thirty-three of the said Act is hereby repealed, and the following substituted in lieu thereof: (333.) In every city there is hereby constituted a board of commissioners of police, and in every town having a police magistrate, the Council may constitute a like board, and such board shall consist of the mayor, the judge of the county courts of the county in which the city or town is situate, and the police magistrate, and in case the office of county judge or that of police magistrate be vacant, the council of the city shall, and the council of the town may, appoint a person resident therein to be a member of the board, or two persons so resident to be members thereof, as the case may require, during such vacancy; and such commissioners shall have power to summon and examine witnesses on oath in all matters connected with the administration of their duties: Provided always that the Council of any such town may at any time, by by-law, dissolve and put an end to the board, and thereafter the Council shall have and exercise all powers and duties previously had or exercised by the board. 25

Sec. 339 repealed.

Police force.

12. Section three hundred and thirty-nine of the said Act is hereby repealed, and the following substituted in lieu thereof: (339.) The police force in cities and towns having a board of commissioners of police, shall consist of a chief constable and as many constables and other officers and assistants as the Council from time to time deem necessary, but in cities not less in number than the board reports to be absolutely required. 30

Sec. 244 repealed.

Constable in towns.

13. Section three hundred and forty-four of the said Act is hereby repealed, and the following substituted in lieu thereof: (344.) The Council of every town not having a board of commissioners of police shall, and the Council of every incorporated village may, appoint one chief constable, and one or more constables for the municipality, and the persons so appointed shall hold office during the pleasure of the Council. 35 40

Dissolution of Board of Police Commissioners.

14. Wherever in any town there is now a board of commissioners of police constituted under said Act, the Council of said town may by by-law dissolve and put an end to said board, and thereafter the Council shall have and exercise all powers and duties which might, under said Act, have been had or exercised by said board, and unless and until so dissolved and put an end to, the said board shall have and exercise all the powers and duties which, but for the passing of this Act, would have been exercised or had by said board. 50

Sec. 372, sub. 6, repealed.

15. Sub-section six of section three hundred and seventy-two of the said Act is hereby repealed, and the following substituted in lieu thereof:

(6.) For taking stock in or lending money, or granting bonuses to any incorporated road, bridge, or harbour company, under and subject to the respective statutes in that behalf.

16. Sub section fifteen of section three hundred and seventy-
5 nine of said Act is hereby repealed, and the following substituted in lieu thereof: Sec. 379, sub-
15, repealed.

(15.) For preventing the growth of Canada thistles and other
weeds detrimental to husbandry, and compelling the destruction
thereof, for the appointment of an inspector with power to en-
10 force the provisions of such by-law, for regulating his duties, and
for determining the amount of remuneration, fees, or charges he
is to receive for the performance of such duties. Prevention of
growth of
thistles and
weeds.

17. Sub-sections twenty-six, twenty-seven, twenty-eight,
twenty-nine, and thirty of section three hundred and seventy-
15 nine of the said Act are hereby repealed, and section three hun-
dred and seventy-two of the said Act is hereby amended, by
adding thereto the following sub-sections: Sec. 379, sub-
ss 26, 27, 28,
29 and 30 re-
pealed.

(20.) For appointing inspectors to regulate weights and mea-
sures according to the lawful standard. Sec. 372,
amended.

20 (21.) For visiting all places wherein weights and measures,
steel yards, or weighing machines of any description are used. Weights and
measures.

(22.) For seizing and destroying such as are not accord-
ing to the standard.

25 (23.) For imposing and collecting penalties upon persons who
are found in possession of unstamped or unjust weights, mea-
sures, steel yards, or other weighing machines.

(24.) For seizing and forfeiting bread or other articles when
of light weight or short measurement.

18. Section four hundred and ten of the said Act is hereby
30 repealed, and the following substituted in lieu thereof: Sec. 410 re-
pealed.

(410.) The County Council shall have exclusive jurisdiction
over all roads and bridges lying within any township, town, or
village of the county, and which the Council by by-law as-
sumes with the assent of such township, town, or village munici-
35 pality as a county road, or bridge, until the by-law has been
repealed by the Council, and over all bridges, across streams
separating two townships in the county, and over all bridges
crossing streams or rivers over one hundred feet in width,
within the limits of any incorporated village in the county, and
40 connecting any highway leading through the county, and over
every road or bridge dividing different townships, although such
road or bridge may so deviate as in some places to lie wholly, or
in part, within one township. Jurisdiction of
County Coun-
cils over roads
and bridges.

19. Section four hundred and twelve of the said Act is here-
45 by repealed, and the following substituted in lieu thereof: Sec. 412, re-
pealed.

(412.) When a county council assumes by by-law, any road or
bridge, within a township as a county road or bridge, the council
shall, with as little delay as reasonably may be, and at the ex-
pense of the county, cause the road to be planked, gravelled, or
50 macadamized, or the bridge to be built in a good and substan-
tial manner; and further, the county council shall cause to be
built and maintained in like manner, all bridges on any river or
stream over one hundred feet in width, within the limits of any
incorporated village in the county, necessary to connect any
55 public highway leading through the county. Roads or
bridges as-
sumed by
county coun-
cils.

Sec. 413, re-
pealed.

Bridges be-
tween munic-
ipalities.

20. Section four hundred and thirteen of the said Act is hereby repealed, and the following substituted in lieu thereof:

(413.) It shall be the duty of county councils to erect and maintain bridges over rivers, forming or crossing boundary lines between two municipalities (other than in the case of a city or 5 separated town) within the county, and in case of a bridge over a river or crossing a boundary line between two counties, or a county and a city, such bridge shall be erected and maintained by the councils of the counties or county and city respectively; and in case the councils of such county and city, or the councils 10 of such counties fail to agree on the respective portions of the expense to be borne by the several municipalities, it shall be the duty of each council to appoint arbitrators, as provided by this Act, to determine the amount to be so expended, and such award as may be made shall be final. 15

Sec. 463, re-
pealed.

Drains into
adjoining lots
or across high-
ways.

21. Section four hundred and sixty-three of the said Act is hereby repealed, and the following substituted in lieu thereof:

(463.) In case any person should find it necessary to continue an under-drain into an adjoining lot or lots, or across or along any public highway, for the purpose of an outlet thereto, 20 and in case the owner of such adjoining lot or lots, or the council of the municipality, refuse to continue such drain to an outlet, or to join in the cost of the continuation of such drain, then the firstly-mentioned person shall be at liberty to continue his said drain to an outlet through such adjoining lot or 25 lots, or across or along such highway; and in case of any dispute as to the proportion of cost to be borne by the owner of any adjoining lot or municipality, the same shall be determined by the fence viewers in the same manner as disputes within the Fence Viewers Act, excepting as to the amount of such award 30 which shall be finally decided by the fence viewers, irrespective of the provisions of section fourteen of said Fence Viewers' Act, and their award shall be final.

Sec. 472,
amended.

Aid to rail-
ways.

22. So much of section four hundred and seventy-two of the said Act, as authorizes a portion or section of a municipality or a 35 group of municipalities, to aid or assist any railway company, by loan, guarantee, or otherwise, is hereby repealed: Provided always that nothing herein contained shall effect the right of the corporation of any township or union of townships, or of any county or union of counties, or of any municipal corporation, 40 having in this respect the power of a county or of a township corporation, to give aid, or otherwise assist a railway company under the said acts or any of them.

Sec. 473, re-
pealed.

Manner of sub-
mitting by-
laws in aid of
railways.

23. Section four hundred and seventy-three of the said Act is hereby repealed, and the following substituted in lieu 45 thereof:

(473.) Such by-laws shall be submitted in manner following, namely:

(1.) In the case of a county municipality, by the county council, on a petition of a majority of the reeves and deputy- 50 reeves, or of two hundred resident freeholders, who may be duly qualified voters under the Municipal Act;

(2.) In the case of other municipalities, by the councils of such municipalities, on the petition of the majority, or of fifty resident freeholders, being duly qualified voters as aforesaid. 55

No. 36.

8rd Session, 2nd Parliament, 37 Vic., 1874.

BILL.

An Act to Amend an Act respecting
Municipal Institutions in the Province of
Ontario.

(Reprinted as amended.)

1st Reading, 9th February, 1874.

2nd Reading, 16th February, 1874.

Mr. CLARKE.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

No. 37.]

BILL.

1874.]

An Act respecting the Canada Southern Railway Company.

WHEREAS the Canada Southern Railway Company have Preamble.
petitioned for power to take stock in certain companies,
and for other corporate powers, and it is expedient to grant the
same :

5 Therefore Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts as
follows :—

1. The Canada Southern Railway Company, shall have Railway may
subscribe for
stock in
certain com-
panies.
power to guarantee for the loan of its credit to, or become guar-
antors for, and may subscribe to or become owners of the stock
10 of any company, now or hereafter to be formed, for the purpose
of owning, constructing, manufacturing, leasing, hiring or other-
wise becoming possessed of, and working and using railway
cars, rolling stock, engines and other plant used in the trans-
15 portation of railway traffic with which the Canada Southern Rail-
way Company have made or may hereafter make an agreement
for the use of such railway cars, rolling stock, engines, or other
plant. And the said railway company shall have all the powers
in respect of such stock as an individual would have and shall
20 exercise the same through such officer, and in such manner as
the board of directors shall by resolution appoint.

2. This Act may be cited as the "Canada Southern Railway Short title.
Act, 1873."

3rd Session, 2nd Parliament, 37 Vic., 1874.

BILL.

An Act respecting the Canada Southern
Railway Company.

1st Reading, 9th February, 1874.

MR. WILSON.

TORONTO:

PRINTED BY HUNTER, ROSE & CO.

No 38.]

BILL

[1874.

An Act to Amend the Act, intituled "An Act to Establish Municipal institutions in the Districts of Parry Sound, Muskoka, Nipissing, and Thunder Bay."

WHEREAS it is expedient to amend the said Act, passed in the thirty-fifth year of the reign of Her Majesty, Queen Victoria, and chaptered thirty-seven;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section fourteen of said Act is hereby amended by striking out at the end thereof, the words "such decision shall be considered final," and substituting therefor the words following: "an appeal may be had from the decision of the said Council in that behalf to the Stipendiary Magistrate in the same manner as to the County Judge in other municipalities, and the decision of the Stipendiary Magistrate shall be final." 35 V., c. 3 amended.
2. Notice of Appeal shall in all cases of appeal to the Stipendiary Magistrate be left with the Clerk of the Division Court of the division in which such municipality is situated, and copies thereof shall also be left with the Clerk of the Municipality. Notice of appeal.
3. The Stipendiary Magistrate shall have the like powers and shall perform the like duties in respect of such appeals as are performed by the County Judge in like cases in other municipalities. Powers of Stipendiary Magistrate.
4. The assessment roll as finally revised under said Act and this Act shall be taken and held as the assessment roll of the municipality for all purposes, until a new assessment roll shall have been made as in said Act provided. Revised roll.
5. Section sixteen of said Act is hereby amended by striking out the word "July" in said section, and inserting in lieu thereof the word "January." Sec. 16, amended.
6. Section twenty of said Act is hereby repealed. Sec. 20, repealed.
7. A meeting of the electors shall take place for the nomination of candidates for the offices of Reeve and Councillors of the municipalities formed in accordance with the provisions of said Act, on the last Monday in December, annually, at such place therein as shall from time to time be fixed by by-law, and the electors of every such municipality shall elect annually, on the first Monday in January, the members of the Council of the Municipality, except such members as may have been elected at

Nomination of Reeve, &c.

the nomination, and the persons so elected shall hold office until their successors are elected, or appointed and sworn into office, and a new Council is organised; and the said Council shall by by-law fix the place for holding the said election, and the election shall be conducted in the same manner as is provided for township elections in Ontario. 5

Clerk to preside at nomination.

8. The Clerk of the Municipality shall preside at the meeting for the nomination of Candidates for the offices of Reeve and Councillors for such Municipality, and shall be the Returning Officer at all elections after the first election under said Act. 10

Sec. 21, amended.

9. Section twenty-one of said Act is hereby amended by striking out the word "resident" in said section, and inserting the same before the word "householders" in the same section.

Term of office of present Councils.

10. The present Councils formed under said Act shall continue to hold office until the first day of January, in the year of our Lord one thousand eight hundred and seventy-five, and thereafter until their successors are elected hereunder, and shall have all the powers and duties belonging to, and to be performed by them under the said Act and this Act. 20

No. 39.]

BILL.

[1874.

An Act to amend the Act, passed in the thirty-fifth year of the reign of Her Majesty Queen Victoria, and chaptered thirty-three, respecting Joint Stock Road Companies.

HER Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Sub-section three of section five of the Act passed in the 35 V., c. 33, s. 5, sub. 3, amended.
5 thirty-fifth year of the reign of Her Majesty Queen Victoria, and chaptered thirty-three, is hereby amended by inserting the words "Engineer or," immediately after the word "by" in the tenth line of said sub-section.

2. Section nine of the aforesaid Act is hereby amended by 10 inserting immediately after the word "road" in the third line of said section, the following words, "Such abandonment to be signified by the head or president of such company, by a notice in writing, delivered to the Municipal Council of the county wherein such road or any part thereof lies, and until the de- 15 livery of such notice as aforesaid, such company shall be liable in any civil suit for damages arising from the unsafe condition of such road."

3. Section twelve of the aforesaid Act is hereby repealed. Sec. 12, re-
pealed.

No. 39.

3rd Session, 2nd Parliament, 37 Victoria, 1874.

BILL.

An Act to amend the Act 35 Vic. cap. 33,
respecting Joint Stock Road Companies.

First Reading, 10th February, 1874.

MR. SEXTON.

TORONTO :

PRINTED BY HUNTER, ROSE & Co.

An Act to amend certain Acts relating to Joint Stock Road Companies.

HER Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Sub-section three of section five of the Act passed in the thirty-fifth year of the reign of Her Majesty Queen Victoria, and chaptered thirty-three, is hereby amended by inserting the words "or Engineer" (as the case may be) immediately after the word "Arbitrators" in the tenth line of said sub-section. 35 V., c. 33, s. 5, sub. 3, amended.

2. Section nine of the aforesaid Act is hereby amended by inserting immediately after the word "road" in the third line of said section, the following words, "Such abandonment to be signified by the head or president of such company, by a notice in writing, delivered to the Municipal Council of the county wherein such road or any part thereof lies, and until the delivery of such notice as aforesaid, such company shall be liable in any civil suit for damages arising from the unsafe condition of such road." Sec. 9, amended.

3. Sub-section one of section one of the Act passed in the thirty-first year of Her Majesty's reign, and chaptered thirty-one, as such sub-section is constituted by section three of the Act passed in the thirty-fifth year of Her Majesty's reign, chaptered thirty-three is hereby amended by striking out the word "the" at the end of the twelfth line, and the word "engineer" at the commencement of the thirteenth line of said sub-section, and inserting in lieu thereof the words "an engineer approved of by the Judge of the County Court." 31 V., c. 31, s. 1, sub. 1, and 35 V., c. 33, s. 3, amended.

4. The following words be added to section eighty-five of chapter forty-nine of the Consolidated Statutes for Upper Canada, "but such requisition shall not be presented to the county judge until at least six days written notice thereof, signed by one or more of the said freeholders of such intended requisition, shall have been given in the manner provided by section eight-six of this Act."

5. Section one of the Act passed in the thirty-sixth year of Her Majesty's reign, and chaptered forty-two, is amended by adding thereto the words following: "Provided always that if within said twelve months by certificate of the county engineer, or otherwise, it be made to appear to the Lieutenant-Governor in Council, that all bridges and culverts on any such road as is firstly in this section mentioned are put in a proper state of

"repair, and that substantial progress has otherwise been made
 "in putting said road in repair within the meaning of this Act,
 "then the Lieutenant-Governor in Council may, by order in
 "council, allow such further time or times, not extending beyond
 "two years from said first day of July, to put in a proper state 5
 "of repair the said road, or such portions thereof, as are out of
 "repair."

BILL.

An Act to amend certain Acts relating to
 Joint Stock Road Companies.

1st Reading, 10th February, 1874.

2nd Reading, 25th February, 1874.

(Reprinted as amended.)

Mr. SEXTON.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act to authorise the Courts of Queen's Bench, and Common Pleas, and the Court of Chancery for Ontario, to admit Joseph James Gormully to practise as an Attorney and Solicitor.

WHEREAS Joseph James Gormully, of the City of Toronto, in the County of York, hath by his petition set forth, that in the year one thousand eight hundred and seventy, he was duly admitted a member of the Honourable Society of the Middle Temple, of the City of London, England, after passing the requisite examination before the English Council of Legal Education, and that in the year one thousand eight hundred and seventy-three, he was duly called to the Bar of the Superior Courts in England, after passing the examination to qualify him therefor required by the said Council of Legal Education, and that he still remains a member of the said bar on the rolls of the said courts, and that he is by virtue of such call, and by virtue of the statutes in such case made and provided qualified for call to the Bar of Ontario, and that from the time he was first admitted as a member of the bar, he has been continuously engaged in the practice of his profession, and is still so engaged; And whereas the said petition further sets forth that the said Joseph James Gormully came to reside in this Province in the year last aforesaid, and from the time of his residence herein, he has been under articles to a practising Attorney and Solicitor, in the City of Toronto, and has done everything in his power to qualify himself to be admitted to practise as an Attorney and Solicitor within this Province; And whereas the said petition further sets forth that by the customs and usages of the legal profession in England, the profession of Barrister is quite distinct and separate from that of Attorney and Solicitor, and that by reason of the said customs and usages, and by the etiquette of the said profession he was altogether precluded and prohibited whilst studying for the bar from placing himself under articles to, or from himself becoming an Attorney and Solicitor; And whereas, the said Joseph James Gormully is desirous of being admitting to practise as an Attorney at Law and Solicitor in Chancery, and has prayed that an Act might be passed to enable the Courts of Queen's Bench and Common Pleas, and the Court of Chancery for Ontario to admit him to practise as an Attorney and Solicitor of the said courts respectively, notwithstanding that he has not been articulated to a practising Attorney and Solicitor for the full period of three years: Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. It shall and may be lawful for the Courts of Queen's Superior Bench and Common Pleas, and the Court of Chancery for Courts may ad.

mit J. J. Gormully to practice as an Attorney and Solicitor.

Ontario respectively, on sufficient proof being given at the time of the application of the said Joseph James Gormully to the said courts that he has been called to practise at the Bar of the Superior Courts in England, and that he then still continues a member of the said bar, and that he has then had the degree of Barrister at Law, conferred upon him by the Law Society of Ontario, and that his name has been entered, and then continues on the books of the said society, and that he has duly served under articles of clerkship to a practising Attorney and Solicitor, from the time from which he first bound himself under articles of clerkship to the passing of this Act, to admit the said Joseph James Gormully, as an Attorney at Law and Solicitor in Chancery of the said courts, upon payment of the proper fees in that behalf; any law or usage to the contrary notwithstanding.

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No. 40.

3rd Session, 2nd Parliament, 37 Vict., 1874.

BILL.

An Act to authorise the Courts of Queen's Bench, and Common Pleas, and the Court of Chancery for Ontario, to admit Joseph James Gormully to practise as an Attorney and Solicitor.

1st Reading, 10th February, 1874.

(PRIVATE BILL.)

Mr. DEROCHE.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act to amend the Act passed in the thirty-fifth year of the reign of Her Majesty Queen Victoria, and chaptered sixty-two, incorporating the Bowmanville, Lindsay and Bobcaygeon Railway Company.

5 **W**HEREAS the Provisional Directors of the Bowmanville, Preamble.

Lindsay and Bobcaygeon Railway Company have by their petition prayed for certain amendments to their charter ;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as

10 follows :—

1. The times limited for the commencement and comple- Time for com-
ment and completion
of Railway
extended.
tion of their railway by the forty-third section of the Act, passed in the thirty-fifth year of Her Majesty's reign, chaptered sixty-two, are hereby extended for the period of three years

15 from the times mentioned in said Act, for such commencement and completion.

2. The said Bowmanville, Lindsay and Bobcaygeon Rail- Location of
main line of
Railway.
way Company shall have full power to construct their Railway in as direct a line as they may deem advisable, between the

20 Town of Bowmanville and a point on the Georgian Bay, through the Counties of Durham, Victoria, Ontario, and Simcoe, and that such line shall be the main line.

3. The said Company shall have power to construct a branch Branch line.
from any point of said line to Fenelon Falls, through the Town-

25 ships of Ops, Mariposa, and Fenelon.

4. The name of said Railway shall be changed to that of Change of
name.
The Bowmanville and Georgian Bay Railway.

5. All the clauses and provisions contained in the Act incor- Former Act to
apply.
porating the Bowmanville, Lindsay and Bobcaygeon Railway

30 Company (except such as are amended by this Act), and the several powers and authorities conferred upon said Company by such Act, shall apply to the extended powers conferred hereby.

BILL.

An Act to amend the Act passed in the thirty-fifth year of the reign of Her Majesty Queen Victoria, and chaptered sixty-two, incorporating the Bowmanville, Lindsay and Bobcaygeon Railway Company,

First Reading, 10th February, 1874.

(PRIVATE BILL.)

MR. McLEOD.

TORONTO:

PRINTED BY HUNTER, ROSE & CO

An Act to incorporate the Ottawa City and Parry Sound Railway Company.

WHEREAS the persons hereinafter named, and others Preamble.
 have petitioned for incorporation of a company to construct a railway from Ottawa City, passing by the valley of the Madawaska River and Lake Rosseau to Parry Sound, and
 5 whereas the construction of such a railway would be of great public benefit, by affording facilities for the settlement of the back country, bringing to market the productions thereof, and forming a valuable line of communication between the eastern and north western portions of the Province; and it is for the reasons
 10 aforesaid expedient to grant the prayer of the petitioners;
 Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Henry J. Hubertus; the Honourable D. A. Macdonald, Incorporation.
 15 M. P., President of the Montreal and City of Ottawa Junction Railway; Daniel Wade; the Honourable A. B. Foster, Manager of the Canada Central Railway; William Beatty; J. C. Miller; James A. Gouin; William L. Hubertus; John Stuart; T. E. Foster; J. P. Cockburn, M.P. and C. J. Bloomfield, together
 20 with all such persons and corporations as shall become shareholders in the company hereby incorporated, shall be and the same are hereby constituted a body corporate and politic, by the name of the "Ottawa City and Parry Sound Railway Company." Corporate name.

2. The several clauses of the Railway Act of the Consolidated Statutes of Canada, and amendments with respect to the
 25 first, second, third, fourth, fifth and sixth clauses thereof, and also the several clauses thereof, with respect to "interpretation," "incorporation," "powers," "plans and surveys," "lands and their valuation," "highways and bridges,"
 30 "fences," "tolls," "general meetings," "president and directors, their election and duties," "calls," "shares and their transfer," "municipalities," "shareholders," "actions for indemnity and fines and penalties and their prosecution," "by-laws," "notices, &c.," "working of the railway" and "general provisions," shall be incorporated with and be deemed to be a part
 35 of this Act, and shall apply to the said company, and to the railway to be constructed by them, except only so far as the same may be inconsistent with the express enactments hereof, and the expression "this Act," when used herein, shall be understood to include the clauses of the said Railway Act, and
 40 amendments thereto so incorporated with this Act. Certain clauses of the Railway Act to apply.

3. The said company and their agents and servants may lay out, construct and finish a double or single iron railway, of such Interpretation of the words "this Act" Power to construct a rail-

way on a certain line.

gauge as the company see fit, from the City of Ottawa, passing by the valley of the Madawaska River, and Lake Rosseau, to Parry Sound, on Georgian Bay, with full power and authority to pass over any part of the country between the points aforesaid, and to construct the said railway through the Crown Lands lying between the said points or on the line of the said railway. 5

Power to build wharves and warehouses.

4. The said company shall also have power to construct on the shore of Lake Huron, or on any river or stream near to said railway, such wharves, piers, warehouses, or other works, as 10 may be required for the use of the said company.

Power to build and navigate Vessels on Lake Huron and Ottawa River. Provisional directors.

5. The said company shall have power to construct, purchase, charter, and navigate boats or vessels of any description on Lake Huron and the Ottawa River.

Their powers.

6. The persons named in the first section of this Act shall 15 be and are hereby constituted provisional directors of the said company, of whom a majority shall be a quorum, and shall have power to fill vacancies occurring, and to add not more than three to their number, and shall hold office as such until the first election of directors under this Act, and shall have power 20 forthwith to open stock-books, and procure subscriptions of stock for the undertaking, and to receive payment for stock subscribed, and make calls upon subscribers in respect of their stock, and to sue for and recover the same; and to cause plans and surveys to be made; and to deposit in any chartered bank 25 of Canada all monies received by them on account of stock subscribed, and to withdraw the same for the purposes of the undertaking; and to receive for the company any grant, loan, bonus, or gift made to it or in aid of the undertaking, and to enter into any agreement respecting the conditions or disposition of any gift or bonus in aid of the railway, and with all such other powers as under the Railway Act of the Consolidated Statutes of Canada are vested in ordinary directors: the said directors are hereby empowered to take all necessary steps for opening the stock books for the subscription of parties desirous 35 of becoming shareholders in the said company; and all parties subscribing to the capital stock of the said company shall be considered proprietors and partners in the same: the said directors or a majority of them, or the board of directors to be elected as hereinafter mentioned, may in their discretion exclude 40 any person from so subscribing who, in their judgment, would hinder, delay or prevent the company from proceeding with and completing their undertaking under the provisions of this Act; and if at any time, a portion or more than the whole stock shall have been subscribed, the said provisional directors, or 45 board of directors, shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking; and in such allocation the said directors may in their discretion exclude any one or more of the said subscribers if, in their judgment, such will best secure the building of the said railway, and all meetings of the provisional board of directors shall be held at the City of Ottawa, unless otherwise provided by the by-laws of said company. 50

Directors may exclude certain persons from subscribing for stock.

Capital stock

7. The capital stock of the said company shall be one million of dollars, to be divided into ten thousand shares of one hundred 55

dollars each; and the money so raised shall be applied in the first place to the payment of all fees and expenses for procuring the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized, and all other preliminary expenses connected with the undertaking; and all the remainder of such money shall be applied to the making, equipping, completing, and maintaining the said railway, and otherwise generally for the purposes of this Act; and until such preliminary expenses shall be paid out of such capital stock, the municipal corporation of any municipality which may be affected by the said railway, may, by resolution of which seven days' previous notice shall have been given and passed by a majority of the said municipal corporation, authorize the treasurer of such municipality to pay out of the general funds of such municipality a sum (not exceeding two hundred dollars in townships, towns and incorporated villages, and the sum of one thousand dollars, in cities and counties), towards the preliminary expenses, which said sum shall thereafter (if such municipality so require) be refunded to such municipality from the capital stock of said company or be allowed to it in payment of stock.

8. When and so soon as one-tenth part of the capital stock (which capital stock shall not be less than two hundred thousand dollars) shall have been subscribed as aforesaid, and one-tenth of the amount so subscribed paid in, the said directors, or a majority of them, may call a meeting of the shareholders at such time and place as they shall think proper, giving at least two weeks' notice in one or more newspapers published at Ottawa and in the *Ontario Gazette*; at which said general meeting and at the annual general meetings in the following sections mentioned, the shareholders present, either in person or by proxy, shall elect seven directors in the manner and qualified as hereinafter provided, which seven directors shall constitute a board of directors and shall hold office till the first Wednesday in October in the year following their election; and may also pass such rules, regulations and by-laws with reference to the said company as may be deemed expedient, provided they are not inconsistent with this Act.

9. On the said first Wednesday in October, and on the first Wednesday in October in each year thereafter, at the principal office of the said company, there shall be held a general meeting of the shareholders of the company, at which meeting the said shareholders shall elect a like number of not less than five nor more than seven directors for the then ensuing year in the manner and qualified as hereinafter provided; and public notice of such annual meeting and election shall be published at least two weeks previously in the *Ontario Gazette* and in one or more newspapers in Ottawa and Toronto, and the election for directors shall be by ballot, and the persons so elected shall form the board of directors.

10. Special general meetings of the shareholders of the said company may be held at such places in the City of Ottawa, and at such times, and in such manner, and upon the notice mentioned in the last preceding section, and for such purposes as may be prescribed by the by-laws of the company.

Ten per cent.
to be paid on
stock.

11. No subscription for stock in the capital of the company shall be binding on the company unless ten per centum of the sum subscribed has been virtually paid thereon into some chartered bank to be designated by the directors, to the credit of the company within a period to be named by the board.

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Quorum of
directors.

12. A majority of the directors shall form a quorum for the transaction of business, and the said board of directors may employ one or more of their number as paid director or directors: Provided, however, that no person shall be elected a director unless he shall be the holder and owner of at least ten shares 10 of the stock of the said company, and shall have paid up all calls upon the stock.

Calls on
shares.

13. The directors may, at any time, call upon the shareholders for instalments upon each share which they, or any of them, may hold in the capital stock of the said company, in such proportions as they may see fit, no such instalment exceeding ten per centum; and the directors shall give one month's notice of such call in such manner as they may direct.

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Scale of votes.

14. Every shareholder holding one or more shares of the said capital stock shall, at any general meeting of the shareholders, be entitled to one vote for every share held by him; and no shareholder shall be entitled to vote on any matter whatever unless all calls due upon the stock upon which such shareholder seeks to vote shall have been paid up at least one week before the day appointed for such meeting.

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Aid from the
municipalities.

15. It shall be lawful for any municipality or municipalities, or any county municipality, or any portion or portions of such municipalities which may be interested in securing the construction of the said railway, or through any part of which or near which the said railway or the works of the said company shall pass or be situated, to aid and assist the said company by loaning or guaranteeing or giving money by way of bonus to said company, or taking stock in the capital of, or issuing municipal bonds to or in aid of the same, and otherwise in such manner and to such extent as such municipalities or any of them shall deem expedient: and it shall be lawful for the councils of such municipalities, or any of them, with the approval of the ratepayers as hereinafter mentioned, to convert into cash and invest any surplus funds of such municipalities, or any of them, in the capital stock of said company; and the aid and assistance to be given to said company by any portion of a county municipality, whether the metes and bounds of such portion as set forth in the by-law for granting such aid be the metes and bounds of townships, or be so defined as to comprise a township or townships and portions of townships, or only portions of townships, and also in the case of a portion of a county or township municipality granting such aid, then the debentures to be issued shall be the debentures of the county or township municipality as the case may be, but in such case the rate to be levied for the payment of such debentures and interest shall be assessed and levied on the portion of the township or county municipality affected by said by-law; and the proper municipal council may of its own motion, and without any previous petition therefor being presented, introduce, pass and submit the requisite by-law to authorize the granting of such aid, 55

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or to raise a certain sum to be invested in stock in the capital of said company, for the approval of the voters qualified under the Municipal Act in the municipality, or portion of a municipality to be affected thereby: Provided always that no such aid, loan, 5 bonus or guarantee shall be given until the by-laws granting the same be adopted by the ratepayers as required by the provisions of the Municipal Act for the creation of debts; and all such by-laws so passed shall be valid, notwithstanding that the annual rate of assessment exceeds 10 the aggregate rate of two cents on the dollar on the actual value of the whole ratable property within the municipality or portion of a municipality creating such debt: Provided always that in no case shall such rate exceed for all purposes three cents on the dollar on the actual value of such 15 ratable property.

16. In case aid towards the construction of said railway is desired from any municipality other than a county municipality, if twenty persons at least who are qualified voters under the Municipal Act do petition the council of the municipality within 20 which their property is situate in the manner hereinafter mentioned; and in case aid is desired from any portion of a township municipality, if at least twenty persons who are qualified voters under the Municipal Act resident in the said portion do in the manner hereinafter mentioned petition the council 25 of such municipality; and in case aid is desired from any county municipality, or any portion of a county municipality, if at least twenty persons who are qualified voters under the Municipal Act in each minor municipality or portion of a minor municipality within said county from which such aid is desired 30 as the case may be, or if the majority of the reeves and deputy reeves of said minor municipalities resident in the section of the county from which aid is desired do petition the council of said county in the manner hereinafter mentioned, the warden, reeve or other presiding officer of said municipalities respectively, or 35 any of them, shall on receipt of such petition call a meeting of the council of the municipality, and the said council shall thereupon introduce and pass a by-law as hereinafter set forth, and shall submit the same to the vote of the qualified voters, under the Municipal Act, of the municipality or portion of the municipality defined in said petition, within six weeks after the 40 receipt of said petition, by the warden, reeve, or other presiding officer as aforesaid, in the manner required by the provisions of the Municipal Act, and in the same manner and to the same effect as if the said municipal council had introduced the 45 said by-law of its own motion.

Aid from portions of municipalities.

Such petition shall in effect set forth that it is the desire of the petitioners to aid the said railway—the manner in which such aid is to be rendered, the amount or sum to be raised or granted for that purpose, and the desire of the petitioners to 50 be assessed therefor—and in the case of a petition from a portion of a municipality, such a petition shall also contain a statement of the metes and bounds of such portion:

Nature of Petition to municipality to aid railway.

1. Such by-law shall in each instance provide for raising the amount petitioned for in the municipality or portion of the 55 municipality mentioned in the petition, by the issue of debentures of the municipality, and shall also provide for the delivery of the said debentures to the said company, or the application of the amount so raised in such manner and at such time as may be expressed in the said petition;

2. For assessing and levying upon all ratable property lying within the municipality or portion of the municipality defined in said petition, an annual special rate sufficient to include a sinking fund for the repayment of the said debentures within twenty years with interest thereon; such interest to be payable yearly or half-yearly, or by equal annual instalments of principal and interest, which debentures the respective municipal councils, warden, reeves and other officers thereof are hereby authorized to execute and issue in such cases respectively: Provided that in case the sum raised under the authority of such by-laws is vested in the capital stock of said company, the council of the municipality holding such stock may, at any time, sell and dispose of the same or any part thereof, and shall in such case apply the moneys received therefor in payment of the said debentures and interest. 15

If by-law carried, council to pass the same,

17. In case the by-law submitted to any municipality or portion of a municipality be approved of or carried by a majority of the votes given thereon, then within four weeks after the date of such voting, the council of the municipality shall read the said by-law a third time and pass the same. 20

and issue the debentures.

18. And within one month after the passing of such by-law, the said council, and the warden, reeve or other presiding officers thereof shall issue or dispose of the debentures necessary to raise the sum mentioned in such by-law, and otherwise act according to the terms thereof. 25

Exemption from taxation.

19. It shall be lawful for the corporation of any municipality through any part of which the said railway passes or is situated by by-law specially passed for that purpose to exempt the said company and its property within such municipality or any part thereof from municipal assessment or taxation, and to fix the assessable value of said property for a term of years, or to agree to a certain sum per annum or otherwise in gross or by way of commutation or composition for payment in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years, not exceeding twenty years, as such municipal corporation may deem expedient; and any such by-law shall not be repealed unless in conformity with a condition contained therein. 30 35

Directors appointed by municipalities.

20. Whenever any municipality shall take stock, grant a bonus, or otherwise aid the said company, to an amount not less than one hundred thousand dollars, the council of such municipality shall be entitled to name a director of the said company as the representative of such municipality; and such director shall be in addition to all shareholders' directors, a director in said company, and shall not require to be a shareholder thereof, and shall continue in office as a director of said company until his successor be appointed by the council of the municipality which he represents, and in any such case the municipality shall not vote on any stock held by it, for the election of shareholders or directors. 40 45 50

Corporation may exchange their debentures for those of the townships.

21. The corporation of any county municipality shall be at liberty to take the debentures issued by any township or townships which may grant a bonus or otherwise aid said company, and in exchange therefor hand to the proper officers of said

company or township, as the case may be, a like amount of the debentures of the said county, on a resolution to that effect being passed by the county council.

22. At all meetings of the company the stock held by municipal and other corporations may be represented by such person as they may respectively appoint in that behalf by by-law; and such person shall at such meetings be entitled, equally with other shareholders, to vote by proxy; and no shareholder shall be entitled to vote on any matter whatever unless all calls due on the stock held by such shareholder shall have been paid up at least one week before the day appointed for such meeting.

Stock of the municipality, how represented.

23. It shall be lawful for the said company to enter into any agreement with any other railway company in the Province of Ontario, for leasing the said railway or any part thereof, to such other company, or for leasing or hiring from such other company any railway or any part thereof, or for leasing or hiring any locomotives or other rolling stock, and generally to make any agreement or agreements with any such other company touching the use by one or the other or by both companies of the railway or moveable property of either or of both, or of any part thereof; or touching any service to be rendered by one company to the other, and the compensation therefor; and any such agreement shall be valid and binding and shall be enforced by courts of law according to the terms and tenor thereof; and any company or individual accepting and executing such lease or agreement shall be and is hereby empowered to exercise all the rights, powers and privileges in this Act conferred.

Agreements with other railway companies.

24. The said company may receive from Government or from any persons or bodies corporate, municipal or politic who may have power to make or grant the same in aid of the construction, equipment or maintenance of the said railway, bonuses, loans, or gifts of money or land, or securities for money.

Company may receive aid from Government, etc.

25. The directors of the said company are hereby authorized and empowered to issue bonds for the purpose of raising money for prosecuting the said undertaking, and such bonds shall without registration or formal conveyance be taken and considered to be the first and preferential claims and charges upon the undertaking, and present and future property of the company, including rolling stock and equipments; and each holder of said bonds shall be deemed to be a mortgagee and incumbrancer *pro rata* with all the other holders thereof upon the undertaking and the property of the company: Provided that the whole amount of such issue of bonds shall not exceed in all the sum of twenty thousand dollars per mile: And provided also that in the event at any time of the interest upon the said bonds remaining unpaid and owing, then at the next ensuing general annual meeting of the said company, all holders of bonds shall have and possess the same rights, privileges and qualifications for directors and for voting as are allowed to shareholders, in case the bonds and any transfers thereof shall have been first registered in the same manner as is provided for the registration of shares; and it shall be the duty of the secretary of the company to register the same on being required to do so by any holder thereof.

Issue of bonds.

Negotiable in-
struments.

26. The said company shall have power and authority to become parties to promissory notes and bills of exchange for sums of not less than one hundred dollars, and any such promissory note made or endorsed by the president or vice-president of the company, and countersigned by the secretary and treasurer of the said company, and under the authority of a quorum of the directors shall be binding on the said company, and every such promissory note or bill of exchange so made, shall be presumed to have been made with proper authority until the contrary be shewn; and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange, nor shall the president or vice-president, or the secretary and treasurer be individually responsible for the same unless the said promissory note or bill of exchange have been issued without the sanction and authority of the directors as hereinbefore enacted: Provided always, that nothing herein contained shall be construed to authorize the said company to issue any note or bill of exchange payable to bearer, or intended to be circulated as money or as the notes or bills of a bank.

Powers of the
company as to
stone, gravel,
etc.

27. Where stone, gravel or any other material is or are required for the construction or maintenance of said railway, or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same are situate for the purchase thereof, cause a provincial surveyor to make a map and description of the property so required; and they shall serve a copy thereof with their notice of arbitration as in case of acquiring the roadway; and the notice of arbitration, the award and the tender of the compensation shall have the same effect as in case of arbitration for the roadway; and all the provisions of the Railway Act as varied and modified by the special Acts relating to the said company as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom lands may be taken or who may sell, shall apply to the subject matter of this section, and to the obtaining materials as aforesaid; and such proceedings may be had by the said company either for the right to the fee simple in the land from which said material shall be taken or for the right to take material for any time they shall think necessary; the notice of arbitration, in case arbitration is resorted to, to state the interest required.

Siding and
tracks to lands
to take gravel,
etc.

28. When said gravel or stone or other materials shall be taken under the preceding section of this Act, at a distance from the line of the railway, the company may lay down the necessary sidings and tracks over any lands which may intervene between the railway and the lands on which said material shall be found, whatever the distance may be; and all the provisions of the Railway Act and of the Special Acts relating to the said company's Act, except such as relate to filing plans and publication of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated; and such right may be so acquired for a term of years or permanently as the company may think proper; and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed for the purpose of repairing and maintaining the said railway.

29. The directors of the said company, elected by the shareholders in accordance with the provisions of this Act, shall have power and authority to enter into and conclude any arrangements with any other chartered railway company for the purpose of making any branch or branches to facilitate a connection between this company and such other chartered company.

Arrangements
for branches
to other lines.

30. The said company is also authorised and empowered to contract and agree with any incorporated railway company for the purchase or transfer by deed of assignment of their line of railway or undertaking, or the line of such other company, with the appurtenances and privileges thereto belonging, or in any manner appertaining thereto; and the company hereby incorporated, may assign, transfer or lease, their railway or any part thereof, or any rights or powers acquired under this Act, and the surveys, plans, work, plant, stock, machinery, or other effects belonging thereto to any other incorporated company, person or persons, or corporations, upon such terms and conditions, and with such restrictions, as the directors may deem expedient.

Company authorised to
purchase other
lines or to
transfer their
own.

31. Any shareholder in the said company, whether a British subject or alien, or a resident in Canada or elsewhere, shall have equal rights to hold stock in the said company, and to vote on the same, and to be eligible to office in the said company.

Aliens and
non-resident
shareholders.

32. Conveyances of land to the said company for the purposes of the undertaking made in the form set out in Schedule "A" of this Act, or to the like effect, shall be sufficient conveyances to the said company, their successors and assigns of the estate or interest, and shall also be a sufficient bar of dower respectively of all persons executing the same; and such conveyances shall be registered in such manner and upon such proof of execution as is required under the registry laws of Ontario; and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicates thereof.

Conveyances
of lands to the
company.

33. The railway shall be commenced within four years and completed within eight years after the passing of this Act.

Commence-
ment and
completion of
railway.

34. The said company shall at all times receive and carry cordwood, or any wood to be used as fuel, at a rate not to exceed three cents per ton per mile in full car loads, from all stations within such municipalities as may take the amount of stock in the capital of the said company allotted to them by the directors of the said company, or grant a bonus thereto of equal value or amount; and the said company shall at all times furnish every facility necessary for the free and unrestrained traffic in cordwood, to as large an extent as in other freight carried over said railway.

Carriage of
cordwood.

35. This Act shall be known and cited as the "Ottawa City Name, and Parry Sound Railway Act."

SCHEDULE "A."

(Section 32.)

Know all men by these presents, that I, (or we) (*insert the name or names and description of the vendor or vendors*) in consideration of dollars paid to (*me or us*) by The Ottawa City and Parry Sound Railway Company, the receipt whereof is hereby acknowledged, do grant (*I or we*) (*insert the name and description of any other party or parties*) in consideration of dollars paid to (*me or us*), the receipt whereof is hereby acknowledged, do grant and release all that land situate (*describe the land*) the same having been selected and laid out by the said company for the purposes of the said railway, to the said The Ottawa City and Parry Sound Railway Company their successors and assigns (*here insert any other clauses, covenants or conditions required*) and (*I or we*) the (*wife or wives*) of the said do hereby bar (*my or our*) dower in the said lands.

As witness (*my or our*) hand and seal (*or hands and seals*)
this day of one thousand eight hundred and

Signed, sealed and delivered }
in presence of }

[L.S.]

No. 42.

3rd Session, 2nd Parliament, 37 Victoria, 1874.

BILL.

An Act to incorporate "The Ottawa City
and Parry Sound Railway Company."

First Reading, 10th February, 1874.

(PRIVATE BILL.)

Mr. HODGINS.

BILL.

An Act to incorporate the Huron and Ottawa Railway Company.

WHEREAS the persons hereinafter named, and others Preamble.
have petitioned for incorporation of a company to construct a railway from Ottawa City, passing by the valley of the Madawaska River and Lake Rosseau to Parry Sound, and whereas the construction of such a railway would be of great public benefit, by affording facilities for the settlement of the back country, bringing to market the productions thereof, and forming a valuable line of communication between the eastern and north western portions of the Province; and it is for the reasons aforesaid expedient to grant the prayer of the petitioners:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Henry J. Hubertus; J. C. Miller; The Honourable Incorporation.
D. A. Macdonald, M. P., President of the Montreal and City of Ottawa Junction Railway; Daniel Wade; the Honourable A. B. Foster, Manager of the Canada Central Railway; William Beatty; William J. Cook; Charles S. Watson; James A. Gouin; John Stuart; Alexander P. Cockburn, M.P., Charles James Blomfield; and Patrick McCurry, together with all such persons and corporations as shall become shareholders in the company hereby incorporated, shall be and the same are hereby constituted a body corporate and politic, by the name of the Corporate name.
"Huron and Ottawa Railway Company."

2. The several clauses of the Railway Act of the Consolidated Statutes of Canada, and amendments thereto, and also the several clauses thereof, with respect to "interpretation," "incorporation," "powers," "plans and surveys," "lands and their valuation," "highways and bridges," "fences," "tolls," "general meetings," "president and directors, their election and duties," "calls," "shares and their transfer," "municipalities," "shareholders," "actions for indemnity and fines and penalties and their prosecution," "by-laws," "notices, &c.," "working of the railway," and "general provisions," and all Acts amending the said Act, shall be incorporated with and be deemed to be a part of this Act, and shall apply to the said company, and to the railway to be constructed by them, except only so far as the same may be inconsistent with the express enactments hereof, and the expression Certain clauses of the Railway Act to apply.
"this Act," when used herein, shall be understood to include the clauses of the said Railway Act, and amendments thereto so incorporated with this Act. Interpretation of the words "this Act"

3. The said company and their agents and servants may lay Power to construct a rail-
out, construct and finish a double or single iron railway, of such

way on a certain line.

gauge as the company see fit, from the City of Ottawa, or the Village of Carleton Place or in the vicinity thereof, passing by the valley of the Madawaska River, and Lake Rosseau, to Parry Sound, on Georgian Bay, with full power and authority to pass over any part of the country between the points aforesaid, and to construct the said railway through the Crown Lands lying between the said points or on the line of the said railway.

Power to build wharves and warehouses.

4. The said company shall also have power to construct on the shore of Lake Huron, or on any river or stream near to said railway, such wharves, piers, warehouses, or other works, as may be required for the use of the said company.

Power to build and navigate Vessels on Lake Huron and Ottawa River.

5. The said company shall have power to construct, purchase, charter, and navigate boats or vessels of any description on Lake Huron and the Ottawa River, so far as the same may be incidental to or required in order to facilitate the traffic of the Railway.

Provisional directors and their powers.

6. The persons named in the first section of this Act shall be and are hereby constituted provisional directors of the said company, of whom a majority shall be a quorum, and shall have power to fill vacancies occurring, and to add not more than three to their number, and shall hold office as such until the first election of directors under this Act, and shall have power forthwith to open stock-books, and procure subscriptions of stock for the undertaking, and to receive payment for stock subscribed, and make calls upon subscribers in respect of their stock, and to sue for and recover the same; and to cause plans and surveys to be made; and to deposit in any chartered bank of Canada all moneys received by them on account of stock subscribed, and to withdraw the same for the purposes of the undertaking; and to receive for the company any grant, loan, bonus, or gift made to it or in aid of the undertaking, and to enter into any agreement respecting the conditions or disposition of any gift or bonus in aid of the railway, and with all such other powers as under the Railway Act of the Consolidated Statutes of Canada are vested in ordinary directors: The said directors are hereby empowered to take all necessary steps for opening the stock books for the subscription of parties desirous of becoming shareholders in the said company; the said directors or a majority of them, or the board of directors to be elected as hereinafter mentioned, may in their discretion exclude any person from so subscribing who, in their judgment, would hinder, delay or prevent the company from proceeding with and completing their undertaking under the provisions of this Act; and if at any time, a portion or more than the whole stock shall have been subscribed, the said provisional directors, or board of directors, shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking; and in such allocation the said directors may in their discretion exclude any one or more of the said subscribers if, in their judgment, such will best secure the building of the said railway, and all meetings of the provisional board of directors shall be held at the City of Ottawa, unless otherwise provided by the by-laws of said company.

Directors may exclude certain persons from subscribing for stock.

Capital stock.

7. The capital stock of the said company shall be one million of dollars, with power to increase the same in the manner

provided by the Railway Act, to be divided into ten thousand shares of one hundred dollars each; and the money so raised shall be applied in the first place to the payment of all fees and expenses for procuring the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized, and all other preliminary expenses connected with the undertaking; and all the remainder of such money shall be applied to the making, equipping, completing, and maintaining the said railway, and otherwise generally for the purposes of this Act; and until such preliminary expenses shall be paid out of such capital stock, the municipal corporation of any municipality which may be affected by the said railway, may, by resolution of which seven days' previous notice shall have been given and passed by a majority of the said municipal corporation, authorize the treasurer of such municipality to pay out of the general funds of such municipality a sum (not exceeding two hundred dollars in townships, towns and incorporated villages, and the sum of one thousand dollars, in cities and counties) towards the preliminary expenses, which said sum shall thereafter (if such municipality so require) be refunded to such municipality from the capital stock of said company or be allowed to it in payment of stock.

8. When and so soon as two hundred thousand dollars of the capital stock shall have been subscribed as aforesaid, and one-tenth of the amount so subscribed paid in to some chartered bank in Canada, to the credit of the company, and not to be withdrawn therefrom except for the purposes of the company, the said directors, or a majority of them, may call a meeting of the shareholders at such time and place within the Province of Ontario, as they shall think proper, giving at least two weeks' notice in one or more newspapers published at Ottawa and in the *Ontario Gazette*; at which said general meeting and at the annual general meetings in the following sections mentioned, the shareholders present, either in person or by proxy, shall elect nine directors in the manner and qualified as hereinafter provided, which nine directors shall constitute a board of directors and shall hold office till the first Wednesday in October in the year following their election; and may also pass such rules, regulations and by-laws with reference to the said company as may be deemed expedient, provided they are not inconsistent with this Act.

9. Thereafter the general annual meeting of the shareholders of the said company shall be held at such place in the Province of Ontario, and on such days and at such hours as may be directed by the by-laws of the said company; and public notice thereof shall be given at least two weeks previously in the *Ontario Gazette*.

10. Special general meetings of the shareholders of the said company may be held at such places in the Province of Ontario, and at such times, and in such manner, as may be provided by the by-laws of the said company.

11. No subscription for stock in the capital of the company shall be binding on the company unless ten per centum of the sum subscribed has been actually paid thereon into some chartered bank to be designated by the directors, to the credit of the company within a period to be named by the board.

Quorum of
directors.

12. A majority of the directors shall form a quorum for the transaction of business, and the said board of directors may employ and pay one of their number as managing director: Provided, however, that no person shall be elected a director unless he shall be the holder and owner of at least ten shares of the stock of the said company, and shall have paid up all calls upon the stock.

Calls on
shares.

13. The directors may, at any time, call upon the shareholders for instalments upon each share which they, or any of them, may hold in the capital stock of the said company, in such proportions as they may see fit, no such instalment exceeding ten per centum; and the directors shall give one month's notice of such call in such manner as they may direct.

Scale of votes.

14. Every shareholder holding one or more shares of the said capital stock shall, at any general meeting of the shareholders, be entitled to one vote for every share held by him; and no shareholder shall be entitled to vote on any matter whatever unless all calls due upon the stock upon which such shareholder seeks to vote shall have been paid up at least one week before the day appointed for such meeting.

Aid to Com-
pany from
Government,
&c.

15. The said company may receive from any Government, or from any person or bodies corporate, municipal or politic, who may have power to make or grant the same, aid towards the construction, equipment or maintenance of the said railway, by way of bonus, gift, or loan in money, or debentures, or other securities for money, or by way of guarantee, upon such terms and conditions as may be agreed upon.

Aid from
Municipalities

16. Any municipal corporation, or any portion of a municipality, which may be interested in securing the construction of the said railway, or through any part of which, or near which, the railway or works of the said company shall pass or be situated, may aid the said company by giving money or debentures, by way of bonus, gift, or loan, or by the guarantee of the municipal corporation under and subject to the provisions hereinafter contained, which are to be taken as applicable thereto, instead of sections four hundred and seventy-two, four hundred and seventy-three and four hundred and seventy-four of the Municipal Institutions Act: Provided always, that no such aid shall be given, except after the passing of a by-law for the purpose, and the adoption of such by-law by the qualified ratepayers of the municipality or portion of municipality, (as the case may be,) as provided in the Municipal Act for the creation of debts.

Manner of
submitting by-
laws to rate-
payers.

17. Such by-law shall be submitted by the municipal council to the vote of the ratepayers in manner following, namely:—

1. The proper petition shall first be presented to the council, expressing the desire to aid the railway, and stating in what way and for what amount; and the council shall within six weeks after the receipt of such petition by the clerk of the municipality introduce a by-law to the effect petitioned for, and submit the same for the approval of the qualified voters;

2. In the case of a county municipality, the petition shall be that of a majority of the reeves and deputy reeves, or of twenty resident freeholders in each of the minor municipalities of the county, who are qualified voters under the Municipal Act;

3. In the case of other municipalities, the petition shall be that of a majority of the council thereof, or of twenty resident freeholders, being duly qualified voters as aforesaid;

4. In the case of two or more minor municipalities, or sections of two or more such municipalities, or of two or more such municipalities with a section or sections of one or more minor municipalities forming part of a county municipality, the petition is to be presented to the county council, describing the portions to be grouped, and defining any section by metes and bounds, and shall be that of a majority of each of the councils of such minor municipalities respectively, or of twenty resident freeholders in each of the said minor municipalities, or sections proposed to be grouped, being duly qualified voters as aforesaid.

18. Where a portion of the county municipality petitions to aid the railway, it shall be such portion only as shall consist of two or more minor municipalities or sections thereof, through which the line of railway is to be constructed, or which will be benefited thereby, and such minor municipalities and sections thereof shall lie contiguous; but no minor municipality or section thereof which is subject to a county or other by-law in aid of the same railway, shall be thus grouped without the consent of the majority of the duly qualified voters therein expressed to that end, when voting upon the proposed by-law.

Aid from portions of county municipalities.

Grouping minor municipalities.

19. In case of aid from a county municipality, or from a grouped portion thereof, twenty resident freeholders of the county or portion comprised in the proposed by-law (as the case may be) may petition the county council against submitting the said by-law, upon the ground that certain minor municipalities or portions thereof comprised in the said by-law would be injuriously affected thereby, or upon any other ground ought not to be included therein; and upon deposit by the petitioners with the treasurer of the county of a sum sufficient to defray the expense of such reference, the said council shall forthwith refer the said petition to three arbitrators, one being the judge of the county court, one being the registrar of the county, or of the riding in which the county town is situate, and one being an engineer, appointed by the Commissioner of the Department of Public Works for Ontario, who shall have power to confirm or amend the said by-law by excluding any minor municipality or any section thereof therefrom, and the decision of any two of them shall be final; and the by-law so confirmed or amended, shall thereupon, at the option of the railway company, be submitted by the council to the duly qualified voters; and in case the by-law is confirmed by the arbitrators, the expense of the reference shall be borne by the petitioners against the same, but if amended, then by the railway company or the county, as the arbitrators may order.

Proceedings in opposing submission of by-law.

Arbitration.

Costs.

20. In the case of a portion of the county municipality being formed into a group, the by-law to be submitted shall be that of the county, but the rate to be levied for payment of the debentures issued thereunder, and the interest thereon, shall be assessed and levied upon such portions only of the county municipality; and the voting thereon shall be limited to the duly qualified voters on such portions only.

Rate to be levied only on the part of municipality granting bonus.

21. Before any such by-law is submitted, the railway company shall make deposit for expenses.

Railway to make deposit for expenses.

pany shall deposit with the treasurer of the municipality a sum sufficient to pay the expenses to be incurred in submitting said by-law.

Interpretation
of words "mi-
nor munici-
pality."

22. The term "minor municipality" shall be construed to mean any town not separated from the municipal county, town-ship, or incorporated village situate in the county municipality. 5

By-laws to be
valid, though
the annual rate
exceed two
cents in the
dollar.

23. No by-law shall be valid, or shall be submitted to such vote for granting aid to the railway which shall require the levying of a greater aggregate annual rate for all purposes, exclusive of school rates, than three cents in the dollar upon the value of the ratable property in each of the minor municipalities or section affected thereby; but for the purpose of such aid, the amount of the aggregate annual rate to be levied in any such municipality or section, may exceed the two cents in the dollar limited by the Municipal Act. 15

Provisions of
by-laws.

24. Such by-law shall in each instance provide. 1. For raising the amount petitioned for in the municipality or portions of the county municipality (as the case may be) mentioned in the petition by the issue of debentures of the county or minor municipality, respectively, and shall also provide for the delivery of the said debentures, or the application of the amount to be raised thereby, as may be expressed in the said by-law. 20

2. For assessing and levying upon all ratable property lying within the municipality or portions of the county municipality defined in said by-law (as the case may be) an annual special rate sufficient to include a sinking fund for the repayment of the said debentures within twenty years, with interest thereon, payable yearly or half-yearly, or by equal annual instalments of principal and interest, which debentures the respective municipal councils, warden, reeves, and other officers thereof are hereby authorized to execute and issue in such cases respectively: Provided, that in case the sum raised under the authority of such by-law is invested in the capital stock or bonds of the railway company, or loaned thereon; the council of the municipality holding such stock or bonds may sell and dispose of the same or any part thereof, and shall in such case apply the moneys received therefor in payment of the said debentures and interest. 25 30 35

If by-law de-
feated limit of
time for sub-
mitting similar
one.

25. In case the by-law submitted is not approved of, no other by-law which is in substance the same, shall be submitted to the voters of the same municipality or portions of the county municipality, until after the expiration of six months from such rejection. 40

If by-law
carried, coun-
cil to pass the
same;

26. In case the by-law submitted be approved of or carried by a majority of the votes given thereon, then within four weeks after the date of such voting, the municipal council which submitted the same shall read the said by-law a third time, and pass the same. 45

and issue the
debentures.

27. And within one month after the passing of such by-law, the said council, and the warden, reeve, or other officers thereof shall issue or dispose of the debentures necessary to raise the sum mentioned in such by-law, and otherwise act according to the terms thereof. 50

28. The Corporation of any county municipality shall be at liberty to take the debentures issued by any township in aid of the railway company, and give in exchange therefor to the said township, a like amount of the debentures of the said county, on a resolution to that effect being passed by the county council, but the township municipality shall in such case keep the county municipality fully indemnified against any rate or liability in respect of such debentures.

Corporation may exchange their debentures for those of the townships.

29. Whenever any municipality or portion of a county municipality shall grant aid by way of bonus or gift to the railway company, the debentures therefor shall, within six months after passing of the by-law authorizing the same, be delivered to three trustees to be named, one by the Lieutenant-Governor in Council, one by the said company, and one by the majority of the heads of the municipalities which have granted bonuses, all of the trustees to be residents of the Province of Ontario: Provided, that if the said Council shall refuse or neglect to name such trustee, or if the Lieutenant-Governor in Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustees, the company shall be at liberty to name such other trustee or other trustees; any of the said trustees may be removed and a new trustee appointed in his place at any time, by the Lieutenant-Governor in Council, with the consent of the said company, and in case any trustee die, or resign his trust, or go to live out of Ontario, or otherwise become incapable to act, his trusteeship shall become vacant, and a new trustee may be appointed by the Lieutenant-Governor in Council, with the consent of said company.

Trustees for municipal debentures.

30. The said trustees shall receive the said debentures or bonds in trust: firstly, under the direction of the company, to convert the same into money; secondly, to deposit the amount realized from the sale in some of the chartered banks, having an office in this Province, in the name of "The Huron and Ottawa Railway Municipal Trust Account," and to pay the same out to the said company from time to time, on the certificate of the chief engineer of the said railway, in the form set out in schedule A hereto, or to the like effect, setting out the portion of the railway to which the money to be paid out is to be applied, and that the sum so certified for, is in pursuance of the terms and conditions of the by-law; and such certificate is to be attached to the cheques to be drawn by the said trustees; and such engineer shall not wrongfully grant any such certificate under penalty of one hundred dollars, recoverable in any county court by any person who may sue therefor.

Trusts on which debentures are to be held.

31. The trustees shall be entitled to their reasonable fees and charges from such trust fund: and the act of any two of such trustees to be as valid and binding as if the three had agreed.

Trustees' fees. Act of two to govern.

32. Any municipality which shall grant a bonus of not less than fifty thousand dollars in aid of the said company, may stipulate that it shall be entitled to name a director in the said company as the representative of such municipality; and such director shall be, in addition to the directors elected by the shareholders, and shall not be required to be a shareholder in

Municipal directors.

the company, and shall continue in office as a director in the said company until his successor shall be appointed by the municipality which he represents.

Company may
receive gifts
of lands.

33. Any municipality through which the said railway may pass is empowered to grant by way of gift to the said company any lands belonging to such municipality, which may be required for right of way, station grounds, or other purposes connected with the running or traffic of the said railway; and the said railway company shall have power to accept gifts of land from any Government or any person or body politic or corporate, and shall have power to sell or otherwise dispose of the same for the benefit of the said company. 5 10

Municipalities
may exempt
Company from
taxation.

34. It shall further be lawful for the council of any municipality, in which any part of the railway of the company is situate, by by-law specially passed for that purpose, to exempt the said company and its property, within such municipality, either in whole or in part, from municipal assessment or taxation, or to agree to a certain sum per annum or otherwise, in gross or by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years; and any such by-law shall not be repealed unless in conformity with a condition contained therein. 15 20

Council may
extend time.

35. It shall and may be lawful for the council of any municipality that may grant a bonus to the company, and they shall have full power to extend the time for completion of the works on the completion of which the said company would be entitled to such bonuses. 25

Councils may
contribute
towards preliminary
expenses.

36. It shall be lawful for the council of any township or county municipality interested in the said extension branches, or any of them, and without complying with the requirements of any Act providing for the creation of debts by municipal corporations on behalf of such township or county municipalities, to bear all, or part of the costs, charges and expenses of, and incidental to, the submission of any by-law to the said qualified voters for granting a bonus to the said company, or may give the said company a bonus on account of such costs, charges, and expenses: provided always that no one such bonus shall exceed five thousand dollars. 30 40

Municipalities
may agree as
to application
of bonus.

37. Whenever any municipality or portion of a municipality shall aid, loan, guarantee, or give money or bonds by way of bonus to aid the making, equipment, and completion of said extension and branches, or any part or parts thereof, it shall be lawful for the said company to enter into a valid agreement with any such municipality, binding the said company to expend the whole of such aid so given upon works of construction, within the limits of the municipality granting the same. 45

Company may
enter into
certain agreements
with
other railways.

38. It shall be lawful for the said company to enter into any agreement with any other railway company for leasing the said railway, or any part thereof, or for the use thereof, at any time or times, or for any period, to such other company, or for the leasing or hiring any locomotives, tenders, or movable property; 50

and generally to make any agreement or agreements with any such other company, touching the use by one or the other, or by both companies, of the railway or movable property of either or of both, or any part thereof, or touching any service to be rendered by the one company to the other, and the compensation therefor; or such other railway company, as well as any other corporation, may agree upon any terms, as they may mutually consent to, for the loan of its credit to, or may subscribe to and become the owner of the stock of the railway company hereby created, in like manner and with like rights as individuals; and any such agreement shall be valid and binding, and shall be enforced by courts of law, according to the terms and tenor thereof; and any company or individual accepting and executing such lease shall be and is empowered to exercise all the rights and privileges in the charter conferred: Provided, the said leases, agreements, and arrangements have been first respectively sanctioned at special general meetings of the shareholders, called for the purpose of considering the same respectively, under the provisions of the Railway Act, and then by a vote to that end of two-thirds of the shareholders present either in person or by proxy.

39. The said company shall have power to guarantee for the loan of its credit to, or become guarantors for or may subscribe to or become the owners of stock in any railway company, with the line of which their line may be in connection, or any railway company over the line of which they hereafter may make arrangements for running powers or the conveyance of traffic: Provided that the power given under this section shall not be exercised, unless sanctioned by a vote to that end of two-thirds of the shareholders, voting in person or by proxy at a general meeting of the shareholders specially called for that purpose.

Powers of guarantee, etc.
Proviso.

40. The directors of the said company, after the sanction of the shareholders shall have been first obtained at any special general meeting to be called from time to time for such purpose, are hereby authorized and empowered to issue bonds for the purpose of raising money for prosecuting the said undertaking; and such bonds shall without registration or formal conveyance be taken and considered to be the first and preferential claims and charges upon the undertaking, and present and future property of the company, including rolling stock and equipments; and each holder of said bonds shall be deemed to be a mortgagee and incumbrancer *pro rata* with all the other holders thereof upon the undertaking and property of the company: Provided that the whole amount of such issue of bonds shall not exceed in all the sum of twenty thousand dollars per mile: And provided also, that in the event at any time of the interest upon the said bonds remaining unpaid and owing, then at the next ensuing general annual meeting of the said company, all holders of bonds shall have and possess the same rights, privileges and qualifications for directors and for voting as are allowed to shareholders, in case the bonds and any transfers thereof shall have been first registered in the same manner as is provided for the registration of shares; and it shall be the duty of the secretary of the company to register the same on being required to do so by any holder thereof.

Issue of bonds.

Negotiable instruments.

41. The said company shall have power and authority to become parties to promissory notes and bills of exchange for sums of not less than one hundred dollars, and any such promissory note or bill made, endorsed or accepted by the president or vice-president of the company, and countersigned by the secretary and treasurer of the said company, and under the authority of a quorum of the directors shall be binding on the said company, and every such promissory note or bill of exchange so made, shall be presumed to have been made with proper authority until the contrary be shewn; and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange, nor shall the president or vice-president, or the secretary and treasurer be individually responsible for the same unless the said promissory note or bill of exchange has been issued without the sanction and authority of the directors as hereinbefore enacted: Provided always, that nothing herein contained shall be construed to authorize the said company to issue any note or bill of exchange payable to bearer, or intended to be circulated as money or as the notes or bills of a bank.

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Powers of the company as to stone, gravel, etc.

42. Where stone, gravel or any other material is or are required for the construction or maintenance of said railway, or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same are situate for the purchase thereof, cause a provincial surveyor to make a map and description of the property so required; and they shall serve a copy thereof with their notice of arbitration as in case of acquiring the roadway; and the notice of arbitration, the award, and the tender of the compensation shall have the same effect as in case of arbitration for the roadway; and all the provisions of the Railway Act as varied and modified by this Act as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom lands may be taken or who may sell, shall apply to the subject matter of this section, and to the obtaining materials as aforesaid; and such proceedings may be had by the said company either for the right to the fee simple in the land from which said material shall be taken, or for the right to take material for any time they shall think necessary; the notice of arbitration, in case arbitration is resorted to, to state the interest required.

Siding and tracks to lands to take gravel, etc.

43. When said gravel or stone or other materials shall be taken under the preceding section of this Act, at a distance from the line of the railway, the company may lay down the necessary sidings and tracks over any lands which may intervene between the railway and the lands on which said material shall be found, whatever the distance may be; and all the provisions of the Railway Act, and of this Act, except such as relate to filing plans and publication of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated; and such right may be so acquired for a term of years or permanently as the company may think proper; and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed for the purpose of repairing and maintaining the said railway.

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44. The directors of the company may, subject to the rules and regulations, from time to time, of the board, appoint an agent in the City of London, England, and also an agent in the City of New York, in the State of New York, and in the City of Chicago, in the State of Illinois, with power to pay dividends; to open and keep books of transfer for the shares of the company, and for the issue of scrip and stock certificates; and thereupon shares may be transferred from the Canada office to the London, New York, or Chicago offices, in the names of the transferees, in the same manner as shares may be transferred in the former office, and *vice versa*; and shares originally taken and subscribed for in Great Britain, and shares originally taken and subscribed for in the United States may be respectively entered upon the books at the London, or at the New York or Chicago office, and scrip certificates be issued for them: and the agent or agents or other officer or officers shall transmit an accurate list of all such transfers and scrip certificates so issued to the secretary or other officer of the company in this Province, who shall thereupon make the requisite entries respecting such transfers and scrip certificates in the register kept in this Province; and thereupon the same shall be binding on the company, as to all the rights and privileges of shareholders, as though the scrip certificates had been issued by the secretary of the company in this Province.

Directors may appoint agents in London and New York.

45. Shares in the capital stock of the company may be transferred by any form of instrument in writing; but no transfer shall become effectual unless the stock or scrip certificates issued in respect of the shares intended to be transferred are surrendered to the company, or the surrender thereof dispensed with by the company.

Provisions as to transfer of stock.

46. Whenever any transfer shall be made in England or the United States of any share of stock of the company, the delivery of the transfer and stock or scrip certificates to the agent or agents of the company for the time being, in London, New York, and Chicago aforesaid, shall be sufficient to constitute the transferee a shareholder or stockholder in the company in respect to the share of stocks so transferred; and such agent or agents shall transmit an accurate list of all such transfers to the secretary of the company in this Province, who shall thereupon make the requisite entries in the register; and the directors may from time to time make such regulations as they shall think fit for facilitating the transfer and registrations of shares of stock and the forms in respect thereof, as well in this Province as elsewhere, and as to the closing of the register of transfers for the purpose of dividends as they may find expedient; and all such regulations not being inconsistent with the provisions of this Act and of the Railway Act as altered or modified by this Act, shall be valid and binding.

Provisions as to transferring stock.

47. The directors of the said company, elected by the shareholders in accordance with the provisions of this Act, shall have power and authority to enter into and conclude any arrangements with any other chartered railway company for the purpose of making any branch or branches to facilitate a connection between this company and such other chartered company.

Arrangements for branches to other lines.

48. Any shareholder in the said company, whether a British

Aliens and non-resident shareholders.

subject or alien, or a resident in Canada or elsewhere, shall have equal rights to hold stock in the said company, and to vote on the same, and to be eligible to office in the said company.

Conveyances
of lands to the
company.

49. Conveyances of land to the said company for the purposes of the undertaking made in the form set out in Schedule B of this Act, or to the like effect, shall be sufficient conveyances to the said company, their successors and assigns of the estate or interest, and shall also be a sufficient bar of dower respectively of all persons executing the same; and such conveyances shall be registered in such manner and upon such proof of execution as is required under the registry laws of Ontario; and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicates thereof.

Commence-
ment and
completion of
railway.

50. The railway shall be commenced within three years, and completed within eight years after the passing of this Act.

Carriage of
cordwood.

51. The said company shall at all times receive and carry cordwood, or any wood to be used as fuel, at a rate not to exceed three cents per ton per mile in full car loads, from all stations within such municipalities as may take the amount of stock in the capital of the said company allotted to them by the directors of the said company, or grant a bonus thereto of equal value or amount; and the said company shall at all times furnish every facility necessary for the free and unrestrained traffic in cordwood, to as large an extent as in other freight carried over said railway.

Telegraph
lines.

52. For the purpose of constructing, working, and protecting the telegraph lines constructed by the company under this Act on their line of railway, the powers conferred on telegraph companies by the Act respecting Electric Telegraph Companies are hereby conferred upon the company; and the other provisions of the said Act for the working and protection of telegraph lines shall apply to any such telegraph lines constructed by the company.

Name.

53. This Act shall be known and cited as the "Huron and Ottawa Railway Act."

SCHEDULE A.

(Section 30.)

CHIEF ENGINEER'S CERTIFICATE.

THE HURON AND OTTAWA RAILWAY COMPANY'S OFFICE,
ENGINEER'S DEPARTMENT, A.D. 18.

No.

Certificate to be attached to cheques drawn on the Huron and Ottawa Railway Municipal Trust Account.

I,

, Chief Engineer for the Huron and

Ottawa Railway Company, do hereby certify, that the sum of \$ is required to be expended in the construction of the portion of the line extending from mile No. to mile No. , and that payment should be made to the company of such amount from the Municipal Trust Account, the same being in pursuance of the terms and conditions of the By-law of the Municipality of the of

SCHEDULE B.

(Section 49.)

Know all men by these presents, that I, (or we) (*insert the name or names and description of the vendor or vendors*) in consideration of dollars paid to (*me or us*) by The Huron and Ottawa Railway Company, the receipt whereof is hereby acknowledged, do grant (*I or we*) (*insert the name and description of any other party or parties*) in consideration of dollars paid to (*me or us*), the receipt whereof is hereby acknowledged, do grant and release all that land situate (*describe the land*) the same having been selected and laid out by the said company for the purposes of the said railway, to the said The Huron and Ottawa Railway Company their successors and assigns (*here insert any other clauses, covenants or conditions required*) and (*I or we*) the (*wife or wives*) of the said do hereby bar (*my or our*) dower in the said lands.

As witness (*my or our*) hand and seal (*or hands and seals*) this day of one thousand eight hundred and

Signed, sealed and delivered }
in presence of }

[L.S.]

No. 42.

3rd Session, 2nd Parliament, 37 Victoria, 1874.

BILL.

An Act to incorporate "The Huron and
Ottawa Railway Company."

Reprinted as amended.

1st Reading, 12th February, 1874.

2nd Reading 12th March, 1874.

(PRIVATE BILL.)

Mr. HODGINS.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act to Incorporate the Village of Hastings, and to annex the same to the County of Northumberland.

WHEREAS a majority of the freeholders and householders of the Village of Hastings have by their petition, set forth that it would greatly conduce to the benefit of the said Village to be incorporated and annexed to the County of Northumberland;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The Village of Hastings is hereby declared to consist of the following parcels of land, with the intervening roads, streets and highways, that is to say, the west halves of lots numbers four and five in the eight concession, and the east halves of lots numbers three, four and five in the seventh concession of the Township of Asphodel, and lots numbers thirteen, fourteen and fifteen in the twelfth concession of the Township of Percy. Limits of the Village of Hastings.
2. The said village is hereby annexed to and made a part of the County of Northumberland, one of the united Counties of Northumberland and Durham. Village annexed to County of Northumberland.
3. The inhabitants of the said village are hereby constituted a body corporate apart from the Townships of Asphodel and Percy, in which the same are situated, by the name of the Corporation of the Village of Hastings. Incorporation. Corporate name.
4. Except as herein specially provided all the provisions of the Act passed in the last session of the Legislature of this Province, intituled "An Act respecting Municipal Institutions in the Province of Ontario," are hereby declared to apply to the said village, in the same manner and to the same extent in all respects as if the said village had been incorporated under the provisions of the said Act. Municipal Act to apply.
5. David Morrison, of the said village, is hereby appointed the Returning Officer, to hold the first election of Reeve and Councillors for the said village, and he shall immediately after the passing of this Act, and after giving one week's written notice thereof, posted up in three conspicuous places in the said village, hold a public meeting of the electors of the said village, at the hour of noon, at the Union School House in the said village, for the nomination of candidates for the office of Reeve and Councillors for the said village, and in case a poll shall be demanded, such poll shall be held at the said School House on the same day of the week next following the said nomination. First election of Reeves and Councillors.

First meeting
of Council.

6. The Reeve and Councillors so to be elected shall hold their first meeting, at the said School House, at the hour of noon, on the same day of the week in the week next following the polling, or if there be no polling, on the same day of the week in the week next following the nomination.

5

Rights and
powers of Vil-
lage.

7. Thereafter the said village shall have all the rights, powers and privileges of incorporated villages in Ontario, and shall be subject to and governed by the same laws as are now or may hereafter be in force respecting such incorporated villages.

Completion of
Assessment
Roll for this
year.

8. The Assessor or Assessors to be appointed by the Council of the said village, shall have till the first day of May next to complete the assessment roll of the said village for the present year.

Adjustment of
Municipal Loan
Fund moneys
between the
Village and
Township of
Asphodel.

9. The said village shall be entitled, notwithstanding this Act, to receive from the Township of Asphodel, and the Town- ship of Asphodel shall pay over to the said village, such propor- tion of any moneys to be received by such township, under the provisions of the Act of the last session of the Legislature of this Province, intituled "An Act respecting the Municipal Loan Fund Debts and respecting certain Payments to Municipalities," as the number of the inhabitants of that part of the said township made part of the said village, bore to the number of the inhab- itants of the whole of the said township by the census of one thousand eight hundred and seventy-one, and, in case such pro- portion cannot be agreed upon, the same shall be settled by arbi- tration, in the manner provided by law for arbitrations between municipalities.

An Act to reunite the North and South Ridings of the County of Huron, for the purposes of Registration of Titles.

5 **W**HEREAS the Warden and Municipal Council of the County of Huron have, by their petition, represented Preamble.

that the division of the said County of Huron into North and South Ridings thereof, for the purposes of Registration of Titles, is inconvenient to the people of the North and South Ridings of the said County, and is unnecessary, and have prayed that the North and South Ridings of the said County of Huron should be reunited for the purpose of Registration of Titles, and it is expedient to grant the prayer of the said petition ;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Upon, from, and after next, the North and South Ridings of the said County of Huron shall be reunited for the purposes of Registration of Titles, and the whole County of Huron shall upon, from, and after the said day, form one such Registration Division or County ; the Registry Office for the said County of Huron shall be kept in the Town of Goderich in the said County, and the appointment of a Registrar for the North Riding of the said County of Huron shall have no further effect upon, from, and after the said day. North and South Ridings of Huron reunited for Registration purposes.

2. Upon, from, and after the day last mentioned aforesaid, all memorials, certificates, register books, calendars, instruments, documents and papers relating to the registration of, or other instruments or documents and papers relating to the registration of, or other instruments or documents affecting real estate in the North Riding of the County of Huron, and registered in the Registry Office at the Village of Blyth, or in any way forming part of the records and memorials of the said Registry Office shall be transferred to the Registry Office for the County of Huron, to be kept at the Town of Goderich, and shall make and form part of the registers, records and muniments of the said office, and the same shall rank in the order and date of their registry in the said North Riding, as if they had in such order and date been registered in the Registry Office for the said County of Huron ; And the Registrar of the said County shall have the same powers and duties with respect to them, and to all searches, certificates and other matters relating to them, as if the registration of the deeds, instruments and documents to which they relate had been effected in the said Registry Office in the Town of Goderich. Memorials, &c., to be deposited in the Registry Office at Goderich.

Allowance to
W. T. Hays.

3. Upon and from and after the day above mentioned there shall be paid out of the amount payable to the treasurer of the County, from the surplus fees received by the Registrar of the united divisions of the said County, to William Torrance Hays, Esq., now Registrar of the North Riding, the sum of six hundred dollars yearly for the term of five years. 5

No. 44.

3rd Session, 2nd Parliament, 37 Vict., 1874.

BILL.

An Act to reunite the North and South Ridings of the County of Huron, for the purposes of Registration of Titles.

1st Reading, 10th February, 1874.

PRIVATE BILL.

Mr. GIBSON.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

BILL.

No. 46.]

[1874.

An Act to consolidate and amend the several Acts of the Port Dover and Lake Huron Railway ; and to confirm certain by-laws in aid thereof.

WHEREAS, it is expedient to amend and consolidate the Act passed in the thirty-fifth year of Her Majesty's reign, intituled "An Act to incorporate the Port Dover and Lake Huron Railway Company," and the Act passed in the thirty-sixth year of the same reign, intituled "An Act to amend the Act intituled an Act to incorporate the Port Dover and Lake Huron Railway Company ; and to extend the powers conferred upon said company ;" And whereas the said company have also petitioned for an Act to further extend their powers, and to confirm certain by-laws affecting the said company ; it is expedient to grant the prayer of said petition :

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. William Grey, Thomas J. Clarke, Thomas Scott, James Bullock, James Barker, A. L. Wilcox, Samuel G. Burgess, John Craig, James Lockhart, James McCulloch, Walter Marshall, Samuel S. Fuller, Gilbert Moore, D. S. Butterfield and Seneca Pitcher, together with such persons and corporations as shall, under the provisions of this Act, become shareholders in the said company hereby incorporated, are hereby constituted and declared to be a body corporate and politic by the name of "The Port Dover and Lake Huron Railway Company.

2. The said company hereby incorporated shall have full power under this Act to construct a double or single railway, from any point on the shore of Lake Erie, between Port Dover and Port Rowan, or at or near the Town of Port Dover, to the Town of Woodstock, with power to extend the same to the Town of Stratford ; and it shall be lawful for the said company to acquire for the purposes of their undertaking the lands and road-bed of the Woodstock and Lake Erie Railway and Harbour Company in the same manner and on like terms, and with like powers as far as applicable, as the company may acquire the lands of individuals, and after having so acquired the same, or any part thereof, the said company shall be held to be and shall be entitled to all the powers, rights and privileges theretofore possessed and enjoyed on and over the said lands and roadbed, by the said Woodstock and Lake Erie Railway and Harbour Company, in addition to those otherwise conferred, but shall not thereby become charged or chargeable with any of the liabilities of the said company in respect thereof.

which are
hereby vested
in the com-
pany.

3. All the lands heretofore acquired by the Woodstock and Lake Erie Railway and Harbour Company, in the Counties of Norfolk and Oxford, for the use of their said railway, and for right of way therefor, not heretofore alienated by or from the said Woodstock and Lake Erie Railway and Harbour Company, 5
are hereby vested in the said Port Dover and Lake Huron Railway Company, their successors and assigns forever.

Gauge

4. The gauge of the railway shall not be less than three feet six inches.

Certain clauses
of the Railway
Act to apply.

5. The several clauses of the Railway Act of the Consolidated 10
Statutes of Canada with respect to the first, second, third, fourth,
fifth and sixth clauses thereof, and to "interpretation," "incor-
poration," "powers," "plans and surveys," "lands and their
valuation," "highways and bridges," "fences," "tolls," "gene-
ral meetings," "president and directors, their election and 15
duties," "calls," "shares and their transfer," "municipalities,"
"shareholders," "actions for indemnity, and fines and penalties
and their prosecution," "by-laws, notices, &c.," "working of the
railway," and "general provisions," and the Acts in amendment
of the said Act, shall be incorporated with and be deemed to be 20
a part of this Act, and shall apply to the said company and to
the railway to be constructed by them, except only so far as
they may be inconsistent with the express enactments hereof ;
and the expression "this Act" when used herein shall be under-
stood to include the clauses of the said Railway Act so incor- 25
porated with this Act.

Interpretation
of the words
"this Act."

Capital of the
Company
\$250,000 with
power to in-
crease.

6. The capital of the company hereby incorporated shall be
two hundred and fifty thousand dollars (with power to increase
the same in the manner provided by the Railway Act) to be
divided into two thousand five hundred shares of one hundred 30
dollars each, and shall be raised by the persons and corporations
who may become shareholders in such company ; and the money
so raised shall be applied in the first place to the payment and
discharge of all fees, expenses and disbursements for procuring
the passage of this Act, and for making the surveys, plans and 35
estimates connected with the works hereby authorized ; and all
the remainder of such money shall be applied to the making,
equipment and completion of the said railway and the other pur-
poses of this Act and to no other purpose whatever ; and until
such preliminary expenses shall be paid out of the said capital 40
stock, the municipality of any city, county, town, township,
parish or village, on the line of such works, may pay out of the
general funds of such municipality, its fair proportion of such
preliminary expenses, which shall hereafter be refunded to such
municipality from the capital stock of the company, or be allowed 45
to it in payment of stock.

Provisional
directors.

7. From and after passing of this Act, until the first election
of directors, William Grey, Thomas J. Clarke, Thomas Scott,
James Bullock, James Barker, A. L. Wilcox, Samuel G. Bur-
gess, John Craig, James Lockhart, James McCulloch, Walter 50
Marshall, Samuel S. Fuller, Gilbert Moore, D. S. Butterfield
and Seneca Pitcher, shall be provisional directors, and constitute
the board of directors, with power to fill vacancies occurring
therein, open stock books, procure subscriptions of stock, and
make a call on shares subscribed ; and a majority of the said 55

provisional directors shall be a quorum ; and the said provisional directors shall have power to exercise all the powers and privileges conferred upon the company and on boards of directors under the Railway Act, until the board of directors hereinafter provided to be elected by the shareholders shall have been elected in accordance with the provisions hereinafter made in that behalf ; and it shall be their duty, as hereinafter provided, to call a general meeting of shareholders for the election of directors.

10 8. No subscription of stock in the capital of the said company shall be legal or valid, unless ten per centum shall have been actually and *bona fide* paid thereon within five days after subscription, into one or more of the chartered banks of this Province, to be designated by the said directors ; and such ten per
 15 centum shall not be withdrawn from such bank, or otherwise applied, except for the purposes of such railway, or upon the dissolution of the company from any cause whatever ; and the said directors or a majority of them may, in their discretion, exclude any persons from subscribing, who, in their judgment,
 20 would hinder, delay, or prevent the said company from proceeding with and completing their undertaking under the provisions of this Act ; and if more than the whole stock shall have been subscribed, the said provisional directors shall allocate and apportion it amongst the subscribers, as they shall deem
 25 most advantageous and conducive to the furtherance of the undertaking ; and in such allocation the said directors may, in their discretion, exclude any one or more of the said subscribers, if, in their judgment, this will best secure the building of the said railway.

Ten per cent.
to be paid on
stock.

25 9. As soon as shares to the amount of one hundred thousand dollars of the capital stock of the said company other than by municipalities, shall have been subscribed, and ten per centum thereof paid into some chartered bank, having an office in the Town of Woodstock, in the County of Oxford, (which shall on
 30 no account be withdrawn therefrom unless for the service of the company,) the directors shall call a general meeting of the subscribers to the said capital stock, who shall have so paid up ten per centum thereof, for the purpose of electing directors of the said company.

General meet-
ing for election
of directors.

35 10. In case the provisional directors neglect to call such meeting for the space of three months after such amount of the capital stock shall have been subscribed, and ten per centum thereof so paid up, the same may be called by any five of the subscribers who shall have so paid up ten per centum, and who
 40 are subscribers among them for not less than fifteen hundred dollars of the said capital stock, and who have paid up all calls thereon.

How meeting
may be called
if provisional
directors
neglect to call
same.

11. In either case notice of the time and place of holding such general meeting, shall be given by publication in the *Ontario Gazette*, and in one newspaper in each of the counties through
 45 which the said railway is intended to pass, once in each week, for the space of at least one month ; and such meeting shall be held in the Town of Woodstock, in the County of Oxford, at such place therein, and on such day as may be named by such
 50 notice.

Notice of
general meet-
ing.

Election of
directors.

12. At such general meeting the subscribers for the capital stock assembled, who shall have so paid up ten per centum thereof, with such proxies as may be present, shall choose seven persons to be the directors of the said company, of whom four shall form a quorum for the transaction of business, and may also make or pass such rules and regulations, and by-laws as may be deemed expedient, provided they be not inconsistent with this Act. 5

Qualification
of directors.

13. No person shall be qualified to be elected as such director by the shareholders unless he be a shareholder holding at least ten shares of stock in the company, and unless he has paid up all calls thereon. 10

Annual meet-
ings.

14. Thereafter the general annual meeting of the shareholders of the said company, shall be held in such place in the town of Woodstock, and on such days and on such hours as may be directed by the by-laws of the said company, and public notice thereof shall be given at least thirty days previously, in the *Ontario Gazette*, and in one or more newspapers published in 15

Special general
meetings.

the counties through which the railway runs; but it shall and may be lawful for the said board of directors, if they shall see fit, from time to time, to call meetings of the shareholders of the said company other than the general annual meeting, first giving a similar notice of the time and place thereof. 20

Calls not to
exceed ten per
cent.

15. No call to be made at any time upon the said capital stock shall exceed ten per centum on the subscribed capital; and notice shall be given of all such calls in manner provided for meetings in section thirteen of this act. 25

Form of
conveyances.

16. All deeds and conveyances for land required by the said company may be in the form given in schedule "B" annexed; and all registrars are required to register the same on the production of a duplicate thereof with an affidavit of due execution; and no registrar shall be entitled to more than fifty cents for registering the same, including all entries and certificates endorsed on the duplicates thereof. 30

Municipalities
may aid by
granting
bonuses, &c.

17. And it shall further be lawful for any municipality or municipalities through any part of which or near which the railway or works of the company shall pass or be situated, to aid or assist the said company by loaning or guaranteeing, or giving money by way of bonus to the company, or issuing municipal bonds to or in aid of the company, and otherwise in such manner and to such extent as such municipalities, or any of them shall think expedient; Provided always, that such aid, loan, bonds or guarantee shall be given under a by-law for the purpose, to be passed in conformity with the provisions of the Act respecting municipal institutions for the creation of debts; and all such by-laws so passed shall be valid notwithstanding that such rate may exceed the aggregate rate of two cents in the dollar on the actual value of such ratable property; so that the annual rate of assessment shall not in any case exceed for all purposes, three cents in the dollar on the actual value of the whole rateable property within the municipality or portion of a municipality creating such debt, and it shall be the duty of every township council upon the petition of at least fifty of the persons rated on the last revised assessment roll of such town- 40 45 50

Such aid to be
granted by
by-law.

ship as freeholders, to at once take the necessary steps for the introducing and passing of such by-law.

18. In case at least fifty of the persons rated on the last assessment roll as freeholders in any portion of a township, 5 municipality do petition the council of such municipality, defining the metes and bounds of the section of the municipality within which the property of the petitioners is situated, and expressing the desire of the said petitioners to aid in the construction of the said railway, by granting a bonus or donation to 10 the said company for this purpose, and stating the amount which they so desire to give and grant, and to be assessed therefor, the council of such municipality shall pass a by-law ;

(1.) For raising the amount so petitioned for by the freeholders in such portion of the municipality, by the issue of debentures of the municipality, payable within twenty years or 15 earlier, and for the payment to the said company of the amount of the said bonus or donation, at the time and on the terms specified in the said petition :

(2.) For assessing and levying upon all the ratable property 20 lying within the section defined by the said petition, an annual special rate sufficient to include a sinking fund for the repayment of debentures with the interest thereon, which municipal councils are hereby authorized to execute and issue in such cases respectively : Provided the said by-law shall be approved 25 of as in sections two hundred and twenty-six, two hundred and twenty-seven, and two hundred and twenty-eight of the Municipal Act passed in the session held in the twenty-ninth and thirtieth years of Her Majesty's reign, and chaptered fifty-one, by the majority of qualified electors voting thereon in the por- 30 tion of a municipality petitioning as aforesaid.

19. Whenever any municipality or portion of a municipality shall aid, loan, guarantee, or give money or bonds, by way of a bonus to aid the making, equipment and completion of said railway, it shall be lawful for said company to enter into a valid 35 agreement with such municipality, binding the said company to expend the whole of such aid so given upon works of construction within the limits of the municipality granting the same, or upon such other portion of the said line of railway as the said municipality may see fit to direct, but such direction 40 once given shall not be withdrawn or altered or in any way qualified.

20. Whenever any municipality or portion of a municipality shall grant a bonus, loan, or aid to assist the said company in the making, equipping and completion of the said railway, the 45 debentures therefor, or bonds may, at the option of the said municipality, within six months after passing of the by-law authorizing the same, be delivered to three trustees to be named, one by the Lieutenant-Governor in Council, one by the said company, and one by the heads of the municipalities granting 50 such bonuses, or the majority of them, who shall attend a meeting for that purpose, to be held at such time and place as the said company may appoint for that purpose ; notice of which shall be sent to each reeve, mayor or warden of the municipalities respectively, by mail, at least fourteen days before the day 55 appointed ; all of the trustees to be residents of the Province of Ontario ; Provided that if the said reeves, mayor or warden

Aid from portions of municipalities.

When a bonus is granted, the company may agree to expend such bonus within the municipality.

Debentures to be held by trustees.

How trustees to be appointed.

Appointment
of new trustees

shall refuse or neglect to name such trustee, or if the Lieutenant-Governor in Council shall neglect or refuse to name such trustee within one month after notice in writing to him of the appointment of the other trustees, the company shall be at liberty to name such other trustee or other trustees; any of the said trustees may be removed and a new trustee appointed in his place at any time, by the Lieutenant-Governor in Council, with the consent of the said company, and in case any trustee die, or resign his trust, or go to live out of Ontario, or otherwise become incapable to act, his trusteeship shall become vacant, and a new trustee may be appointed by the Lieutenant-Governor in Council, with the consent of said company.

Trusts upon
which the
debentures are
to be held.

21. The said trustees shall receive the said debentures or bonds in trust; firstly, to convert the same into money; secondly, to deposit the amount realized from the sale in some of the chartered banks, having an office in the town of Woodstock, in the name of "The Port Dover and Lake Huron Railway Municipal Trust Account," and to pay the same out to the said company from time to time, on the certificate of the chief engineer of the said railway, in the form set out in schedule "A" hereto, or to the like effect, setting out the portion of the railway to which the money to be paid out is applied, and the total amount expended on such portion to the date of the certificate, and that the sum so certified does not exceed the *pro rata* amount per mile for the length of the road to be applied on the work so done, and such certificate to be attached to the cheques to be drawn by the said trustees; and such engineer shall not wrongfully grant any such certificate under penalty of being deemed guilty of a misdemeanor.

Act of two
trustees to be
binding.

22. The act of any two of such trustees to be as valid and binding as if the three had agreed.

Directors may
issue bonds.

23. The directors of the said company, after the sanction of the shareholders shall have been first obtained, at any special general meeting to be called from time to time for such purpose, but limited to the terms of this Act, shall have power to issue bonds made and signed by the president or vice-president of the said company, and countersigned by the secretary and treasurer, and under the seal of the said company, for the purpose of raising money for prosecuting the said undertaking; and such bonds shall, without registration or formal conveyance, be taken and considered to be the first and preferential claims and charges upon the undertaking, and the property of the company, real and personal, and then existing, and at any time thereafter acquired; and each holder of the said bonds shall be deemed to be a mortgagee and an incumbrancer *pro rata* with all the other holders thereof, upon the undertaking and the property of the company as aforesaid; Provided however, such issue of bonds shall not exceed ten thousand dollars per mile for each mile in length of the said proposed railway, nor shall the amount of such bonds issued at any one time be in excess of the amount of the paid up instalments on its share capital, together with the amount of paid up municipal and other bonuses, and of the amount which has been actually expended in surveys and in works of construction upon the line, or for material actually furnished and delivered to the company within the province: And provided also further, that in the event at any time of the interest upon

not to exceed
ten thousand
dollars.

the said bonds remaining unpaid and owing, then at the next ensuing general annual meeting of the said company, all holders of bonds shall have and possess the same rights and privileges and qualifications for directors and for voting as are
 5 attached to shareholders: Provided that the bonds and any transfers thereof shall have been first registered in the same manner as is provided for the registration of shares: All such bonds and coupons, and interest warrants thereon, may be made payable to bearer, and so made shall be transferable by delivery,
 10 and the holder may sue thereon at law in his own name.

24. Unless twenty-five thousand dollars at least, of the said capital stock shall be subscribed, and fifty per centum thereon shall be paid, and the said line of railway be *bona fide* commenced within two years from the passing of this Act, or that the said
 15 line of railway be wholly completed within five years, then this charter and the privileges thereby conferred shall become forfeited; and in the event of non-compliance with the above provisions within the times limited by this Act, then the rights and privileges conferred by this Act shall cease, and be void and
 20 of none effect.

Bonds to be registered.
When work to be commenced and completed.

25. The said company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars; and any such promissory note or bill made or endorsed by the president or vice-president of the
 25 company, and countersigned by the secretary and treasurer of the said company, and under the authority of a quorum of the directors, shall be binding on the said company, and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be
 30 shown; and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill; Provided however, that nothing in this section shall be construed to authorize the said company to issue a note or bill of exchange payable to bearer, or intended to be circulated as money or as the
 35 notes or bills of a bank.

Negotiable instruments.

26. Whenever it shall become necessary for the purpose of procuring sufficient lands for stations or gravel pits or other purposes, for constructing, maintaining and using the said railway, it shall be necessary to purchase more land than is required for
 40 such stations, or gravel pits, or other purposes, the said company may purchase, hold, use or enjoy such lands, and also the right of way thereto, if the same be separated from their railway, in such manner, and for such purpose connected with the constructing, maintenance or use of the said railway, as they
 45 may deem expedient, and sell and convey the same or parts thereof, from time to time as they may deem expedient.

Power to acquire lands for stations, gravel pits, &c., and whole lots instead of portions.

27. It shall be lawful for the said company with the consent of two-thirds of the shareholders and bond holders present at a special general meeting called for the purpose, to enter into any
 50 agreement with any other railway company in the Province of Ontario, whose line may connect with such road, for building or leasing, equipment and maintenance of the said railway, or any part thereof, or the use thereof at any time or times, or for any period to such other company, or for leasing or hiring from such
 55 other company any railway or part thereof, or the use thereof,

Power to make agreements with other companies as leaving their lands, &c.

or for the leasing or hiring any locomotives, tenders or movable property, and generally to make any agreement or agreements with any such other company touching the use by one or the other, or by both companies, of the railway or movable property of either, or of both or any part thereof, or touching any service to be rendered by the one company to the other, and the compensation therefor; and such other railway company as well as any other corporation may agree upon any terms, as they may mutually consent to, for the loan of its credit to, or may subscribe to and become the owner of the stock of the railway company hereby created, in like manner and with like rights as individuals, but in so far only as the powers hereby conferred may be construed to have reference to any act, deed, matter, or thing to be done, executed, fulfilled, or performed, within the limits of the Province of Ontario, to the other, and the compensation therefor; and any such agreement shall be valid and binding, and shall be enforced by courts of law, according to the terms and tenor thereof; and any company or individual accepting and executing such lease shall be and is empowered to exercise all the rights and privileges in the charter conferred.

Municipalities may exempt property of company from taxation or make commutation, etc.

28. It shall be further lawful for the corporation of any municipality through any part of which the railway of the said company passes, or is situate, by by-law specially passed for that purpose, to exempt the said company and its property within such municipality, either in whole or in part, from municipal assessment or taxation, or to agree to a certain sum per annum, or otherwise, in gross or by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessment to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem from time to time expedient.

Laying rails on roads.

29. It shall and may be lawful for any municipality through which the said railway passes, and having jurisdiction in the premises, to pass a by-law, or by-laws, empowering the said company to make their road and lay their rails along any of the highways within such municipality, and whether or not the same be in the possession or under the control of any joint stock company, and if such be either in the possession or under the control of any joint stock company, then with the assent of such company; and it shall and may be lawful for the said company to enter into and perform any such agreements as they may from time to time deem expedient, with any municipality, corporation or person, for the construction, or for the maintenance and repair of gravel or other public roads leading to the said railway: and all agreements heretofore made in this behalf are declared to be valid and binding on the company.

Power to hold wharves, etc.

30. It shall and may be lawful for the said company to purchase and hold property, not exceeding ten acres at each extremity of the said railway, for the purpose of building, and to build thereon elevators, wharves, storehouses, warehouses, engine houses, sheds and other erections for the use of the said railway company, and the same or a portion thereof, in their discretion, subsequently to sell and convey; the said company shall further have power to purchase, build, complete, fit out and charter, sell or dispose of, work and control, and keep in

and purchase, etc., vessels.

repair, one steam vessel or more, from time to time to ply on the inland rivers and lakes adjacent to the said railway, in connection with the said railway.

31. For the purpose of constructing, working and protecting Telegraph lines. 5 the telegraph lines to be constructed by the said company on their line of railway, the powers conferred on telegraph companies by the Act respecting electric telegraph companies are hereby conferred upon the said company, and the other provisions of the said Act for the working and protection of tele- 10 graph lines, shall apply to any such telegraph lines to be constructed by the said company.

32. It shall be lawful for the said company and any such municipality as aforesaid, which shall pass a by-law granting 15 to the said company a bonus in aid of the construction of the said railway, to enter into an agreement under their corporate seals that the said bonus, when paid over, shall be given and received, on and subject to the condition that in case the said company amalgamate with or lease the railway to any other railway company, or grant to any other railway company, or 20 to any person or corporation, exclusive running powers over, or exclusive rights, to use, interfere with, or exercise any power over the said railway, then, and in any such case the said company shall, at the expiry of two months after demand, return to the municipality demanding the same, the amount of such 25 bonus without interest, up to the time of such demand.

Bonuses granted to company to be refunded if railway is leased.

33. In case more than one municipality shall have granted, or shall grant a bonus or bonuses as aforesaid, on the terms of 30 any such agreement as in the next preceding section mentioned, such municipalities making demand as aforesaid for return of bonus, shall not as between themselves be entitled to any priority, but shall be paid *pari passu*.

Municipalities are to be refunded *pari passu*.

34. And it further shall be lawful for any municipality or 35 municipalities, or any county municipality, or any portion of any such municipality, or municipalities, or county municipality, which may be interested in securing the construction of the said railway, or through any part of which, or near which the railway or works of the said company shall pass, or be situated, to aid and assist the said company by loaning or guaranteeing, or giving money by way of bonus, to the company, or issuing 40 municipal bonds to or in aid of the company, and otherwise, in such manner and to such extent as such municipalities, or any of them or any portion of any of them, shall think expedient; and the aid and assistance to be given to the said company by any portion of a county municipality, whether the metes and 45 bounds of such portion of a county municipality as set forth in the by-laws for granting such aid be the metes and bounds of townships, or be so defined as to comprise a township or townships and portions of townships, or only portions of townships; and in case of a portion of a township municipality granting 50 such aid, then the debentures to be issued should and shall be those of such township municipality, or, in case of portions of a county municipality as aforesaid, such debentures should and shall be those of the county municipality; and the proper council may, of their own motion and without any previous petition 55 therefor, submit the requisite by-law in that behalf for the

Power of municipalities, or portions thereof to grant aid.

Proviso.

approval of the qualified voters of the municipality or portions of the municipality to be affected thereby : Provided always, that no such aid, loan, bonus or guarantee shall be given except after the passing of by-laws for the purpose, and the adoption of such by-laws by the ratepayers, as provided in the Municipal Act for the creation of debts. 5

Aid on a petition.

35. In case fifty persons, at least, rated on the last revised assessment roll of any municipality as freeholders, who may be qualified voters under the Municipal Act, do petition the council of such municipality, in such petition expressing the desire of the said petitioners to aid in the construction of the said railway by giving a loan, guarantee or bonus to the said company, and stating the amount which they so desire to grant and be assessed for, the council of such municipality shall, within six weeks after the receipt of such petition, introduce a by-law and submit the same to the vote of the qualified voters. 10 15

'aid from part of a township.

36. In case aid is desired from any portion of a township municipality, if at least thirty of the persons who are qualified voters as aforesaid in any portion of the said township municipality do petition the council of such municipality to pass a by-law, in such petition defining the metes and bounds within which the property of the petitioners is situate, and expressing the desire of the said petitioners to aid in the construction of the said railway by granting a bonus, loan or guarantee to the said company, and stating the amount which they so desire to grant and be assessed for, the council of such municipality shall, within six weeks after the receipt of such petition, introduce a by-law and submit the same to the vote of the qualified voters. 20 25

If portion of a municipality desire to aid council to pass a by-law,

37. In case aid is desired from any county municipality, or any portion of a county municipality, upon the petition of at least fifty persons, who are qualified voters, as aforesaid, within such county municipality, or portions of the county, as the case may be, or upon a petition of the majority of the reeves and deputy-reeves of each county municipality as reside in the said portion from which aid is desired, and, in the case of a portion of the county, do, in such petition, define the municipality or municipalities within such county municipality, and the metes and bounds of the portion or portions or the municipality forming the portion of the county municipality that may be asked to grant aid, and, in either case, in such petition expressing the desire of the said petitioners to aid in the construction of the said railway by granting a bonus, loan or guarantee to the said company, and stating the amount which they so desire to grant and to be assessed for, the council of such county municipality shall, within six weeks after the receipt of such petition, introduce the requisite by-laws and submit the same to the vote of the qualified voters of the county, or of the portions of the county defined in the said petition, as the case may be, in the same manner and to the same effect as if they had introduced the same of their own motion : 30 35 40 45 50

for opening debentures,

1. For raising the amount so petitioned for by such freeholders, or such reeve and deputy reeves in such portion of the municipality, by the issue of debentures of the county municipality, payable in twenty years, or by equal annual instalments of principal and interest ; 55

for assessing and levying a special rate.

2. For assessing and levying upon all ratable property lying within the section defined by such petition, an equal annual

special rate sufficient to include a sinking fund for the repayment of the debentures, with interest thereon, said interest to be paid yearly or half-yearly; which debentures the municipal councils and the wardens, reeves and other officers thereof are hereby authorized to execute and issue in such cases respectively.

38. Upon any such petition being presented to the warden or other head of any county, or the reeve, mayor or other head of any other municipality, he shall forthwith call a meeting of the council of such municipality, to be held within four weeks thereafter, for the purpose of introducing such by-law, and submitting the same to the vote of the qualified voters. Meeting of council to introduce by-law.

39. And in case the by-law of any municipality or portion of a municipality be approved or carried by a majority of the votes given thereon, then, within one month after the date of such voting, the said council shall read the said by-law a third time, and pass the same. Council to pass by-law if carried

40. And, within three months after the passing of such by-law, the said council and the warden, mayor, reeve or other head thereof, and the other officers thereof, shall issue the debentures for the bonus, loan, or guarantee thereby granted. and issue debentures.

41. In case any bonus, loan or guarantee be so granted by a portion of a local municipality or county municipality, the rate to be levied for the payment of the debentures issued therefor and the interest thereon, shall be assessed and levied upon such portion only of the local municipality or county municipality. Assessment in aid by part of municipality.

42. The provisions of the Municipal Acts, so far as the same are not inconsistent with this Act, shall apply to any by-law so passed by or for a portion of a municipality or county municipality, to the same extent as if the same had been passed by or for the whole municipality or county municipality. Municipal Acts applied when by-law passed by part of a municipality.

43. All by-laws to be submitted to such vote for granting bonuses, loans or guarantees to the said company, not requiring the levying of a greater annual rate than three cents in the dollar of the ratable property affected thereby, shall be valid, although the amount of the annual rate to be levied in pursuance thereof, shall exceed two cents in the dollar. Assessment not to exceed 3 cents in the dollar.

44. The Warden, Reeve, or other head officer of the proper Council shall upon petition for that purpose presented by the said Railway Company, signed by at least fifty persons, rated on the last revised assessment roll as freeholders, expressing the desire of the said persons to aid in the construction of the said Railway, by giving a loan guarantee or bonus to the said Company, and otherwise complying with the requirements of petitions in that behalf, as hereinbefore specified, call a meeting of the proper Council within at least ten days from the time of such petition being presented to the said Warden, Reeve, or head officer aforesaid, and upon the meeting of such Council, the said Council shall forthwith introduce a by-law and submit the same to the vote of the qualified electors as hereinbefore provided, and in the event of such meeting of the Council being a special session at which no On petition of ratepayers.

Warden to call meeting of council.

business shall be transacted other than in connection with the said by-law, then the said Railway Company shall bear the expense of such special session, and the same shall be paid to the treasurer of the Council passing the said by-law; and all subsequent proceedings shall be taken in the event of said by-law being carried, as are herein provided regarding by-laws for granting aid to the said Company. 5

Election of
directors con-
firmed.

45. The election of Gilbert Moore, J. E. Bullock, Nathaniel O. Walker, Henry Parker, Thomas John Clarke, James Redford, and Samuel Street Fuller, as directors of the said Com- 10
pany, at a general meeting of the subscribers of the capital stock thereof, held at the Town of Woodstock, in the County of Oxford, on the seventeenth day of December, one thousand eight hundred and seventy-two, is hereby confirmed.

Certain by-
laws of
municipalities
granting aid
declared valid.

46. A certain by-law of the Township of South Norwich, 15
numbered one hundred and fifty-six, intituled "By-law 156 to
"authorize the issue of municipal debentures to the amount of
"ten thousand dollars, to be given by way of bonus to aid and
"assist the Port Dover and Lake Huron Railway Company, the
"amount of said debentures to be expended in the construction of 20
"that part of the said railway lying south of the Town of Wood-
"stock," and passed on the eighteenth day of August, in the
year of our Lord one thousand eight hundred and seventy-three;
a certain by-law of the Town of Simcoe numbered ninety-four,
intituled, "by-law No. 94, passed in open Council this thirtieth 25
"day of December, A.D. 1872, to raise by way of loan the sum
"of ten thousand dollars, to aid and assist the Port Dover
"and Lake Huron Railway Company, by giving the said sum
"to the said company by way of bonus, to be expended in the
"construction of that part of the said railway lying south of 30
"the northern boundary of the Town of Simcoe," and passed
on the thirtieth day of December, in the year of our Lord one
thousand eight hundred and seventy-two; a certain by-law of
the Town of Stratford, numbered one hundred and seventy-
two, intituled, "By-law No. 172, to aid and assist the Port 35
"Dover and Lake Huron Railway Company, by giving thirty
"thousand dollars by way of bonus to the said company and to
"issue debentures therefor, and to authorize the levying of a
"special rate for the payment of the said debentures and the
"interest thereon," and passed on the fourteenth day of April, 40
in the year of our Lord one thousand eight hundred and seventy-
three; a certain by-law of the Township of Woodhouse, num-
bered one hundred and twenty-five, intituled "By-law No.
"125, to authorize the issue of Municipal Debentures to the
"amount of fifteen thousand dollars, to aid and assist the Port 45
"Dover and Lake Huron Railway Company by giving the said
"sum to the said company by way of bonus, subject to certain
"terms, restrictions, and conditions, and to authorize the levying
"of an annual special rate for the payment of the said Debentures
"and interest," and passed on the fourteenth day of June, in the 50
year of our Lord one thousand eight hundred and seventy-three;
a certain by-law of the County of Oxford, numbered one hun-
dred and seventy-seven, intituled "By-law No. 177, a by-law to
"aid and assist the Port Dover and Lake Huron Railway Com-
"pany, by giving the sum of twenty-five thousand dollars to the 55
"said Company by way of bonus, and to issue Debentures there-
"for, and to authorize the levying of a special rate for the pay-

“ment of the said Debentures and interest,” and passed on the fifth day of December, in the year of our Lord one thousand eight hundred and seventy-three; a certain by-law of the County of Perth, numbered one hundred and ninety-one, 5 intituled “A by-law to aid and assist the Port Dover and Lake Huron Railway Company, by granting thereto the sum of forty thousand dollars by way of bonus, and also to aid and assist the Stratford and Huron Railway Company by granting thereto the sum of eighty thousand dollars by way of bonus, and 10 “to issue Debentures for the said sums, and to authorize the levying of a special rate for the payment of such Debentures and the interest thereon,” and passed on the twelfth day of December, in the year of our Lord one thousand eight hundred and seventy-three; and a certain other by-law of the 15 County of Oxford, numbered one hundred and intituled “A by-law to aid and assist the Port Dover and Lake Huron Railway Company by giving the sum of fifty thousand dollars to the said company by way of bonus, and “to issue debentures therefor, and to authorize the levying of a 20 “special rate for the payment of the said debentures and interest,” and passed the day of February, in the year of our Lord one thousand eight hundred and seventy-four, and all debentures issued, or to be issued, under such by-law or by-laws, or any of them, shall be and are hereby declared to be good, 25 valid, legal, binding and effectual; and each of the said by-laws shall be held to have been good, valid, legal, binding and effectual from the time of the passing thereof, any law, usage or custom to the contrary notwithstanding.

47. Shares in the capital stock of the said company may be 30 held, enjoyed and transferred by aliens, whether resident in Canada or not, and such aliens shall have, possess and enjoy all the rights and privileges of a natural born British subject in respect thereto, and shall be eligible to office in the said company. Rights of aliens.

48. The time for the completion of the said Railway from the 35 Village of Port Dover to the Town of Stratford is hereby extended for the term of years from the passing of this Act. Commencement and completion of railway.

49. All reasonable and preliminary expenditure incurred in 40 obtaining this Act, and in the formation or establishing of the said corporation, shall be paid from the funds of the company, by a vote of the provisional board of directors. Preliminary expenses.

50. Such parts of the several Acts in the recital hereof 45 mentioned, as are inconsistent herewith, are hereby repealed, but the repeal thereof shall not revive any act or provision of law by them repealed. Inconsistent Acts repealed.

SCHEDULE "A."

(Section 21.)

CHIEF ENGINEER'S CERTIFICATE.

THE PORT DOVER & LAKE HURON RAILWAY COMPANY'S OFFICE,
ENGINEER'S DEPARTMENT, A. D. 18

No.

Certificate to be attached to cheques drawn on the Port Dover and Lake Huron Railway Municipal Trust Account, and given under section of cap. 37 Vic.

I, _____, Chief Engineer for the Port Dover and Lake Huron Railway Company, do hereby certify, that there has been expended in the construction of mile No. _____, (the said mileage being numbered consecutively from _____,) the sum of _____ dollars to date, and that the total *pro rata* amount due for the same from the said Municipal Trust Account, amounts to the sum of _____ dollars, which said sum of _____ dollars is now due and payable as provided under said Act.

SCHEDULE "B."

(Section 16.)

Know all men by these presents that I (or we) (insert also the name of wife or any other person who may be a party) in consideration of _____ dollars paid to me (or, as the case may be) by the Port Dover and Lake Huron Railway Company, the receipt whereof is hereby acknowledged, do grant and convey (and I, the said _____ do grant and release, or do bar my dower in (as the case may be) all that certain parcel, or those certain parcels (as the case may be) of land situate (describe the land), the same having been selected and laid out by the said company, for the purposes of their railway, to hold with the appurtenances unto the said the Port Dover and Lake Huron Railway Company, their successors and assigns.

As witness my (or our) hand and seal (or hands and seals) this _____ day of _____ one thousand eight hundred and _____

Signed, sealed and delivered, in the }
presence of _____ }

[L.S.]

BILL.

An Act to consolidate and amend several Acts of the Port Dover and Huron Railway, and to confirm the by-laws in aid thereof.

First Reading, 11th February, 1895

(PRIVATE BILL.)

Dr. CLARKE (Norfolk)

TORONTO:

PRINTED BY HUNTER, ROSE & CO.

BILL.

No. 46.]

[1874.

An Act to amend the several Acts of the Port Dover and Lake Huron Railway; and to confirm certain by-laws in aid thereof.

WHEREAS it is expedient to amend and consolidate the Preamble.
Act passed in the thirty-fifth year of Her Majesty's reign, intituled "An Act to incorporate the Port Dover and Lake Huron Railway Company," and the Act passed in the thirty-sixth year of the same reign, intituled "An Act to amend the Act intituled an Act to incorporate the Port Dover and Lake Huron Railway Company; and to extend the powers conferred upon said company;" And whereas the said company have also petitioned for an Act to further extend their powers, and to confirm certain by-laws affecting the said company; it is expedient to grant the prayer of said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. All subscriptions of stock in the capital of the said company shall be legal or valid, upon which ten per centum shall have been actually and *bona fide* paid thereon into one or more of the chartered banks of this Province, to be designated by the said directors; and such ten per centum shall not be withdrawn from such bank, or otherwise applied, except for the purposes of such railway, or upon the dissolution of the company from any cause whatever; and the said directors or a majority of them may, in their discretion, exclude any persons from subscribing, who, in their judgment, would hinder, delay, or prevent the said company from proceeding with and completing their undertaking under the provisions of this Act; and if more than the whole stock shall have been subscribed, the said provisional directors shall allocate and apportion it amongst the subscribers, as they shall deem most advantageous and conducive to the furtherance of the undertaking; and in such allocation the said directors may, in their discretion, exclude any one or more of the said subscribers, if, in their judgment, this will best secure the building of the said railway. Ten per cent. to be paid on stock.

2. The said company may receive from any Government, or from any persons or bodies corporate, municipal or politic, who may have power to make or grant the same, aid towards the construction, equipment, or maintenance of the said railway, by way of bonus, gift, or loan in money, or debentures, or other securities for money, or by way of guarantee, upon such terms and conditions as may be agreed upon. Aid to company.

Aid from Municipalities.

3. Any municipal corporation, or any portion of municipality, which may be interested in securing the construction of the said railway, or through any part of which, or near which the railway or works of the said company shall pass or be situated, may aid the said company by giving money or debentures, by way of bonus, gift or loan, or by the guarantee of the municipal corporation, under and subject to the provisions hereinafter contained, which are to be taken as applicable thereto, instead of sections four hundred and seventy-two, four hundred and seventy-three and four hundred and seventy-four of the Municipal Institutions Act: Provided always, that no such aid shall be given, except after the passing of a by-law for the purpose, and the adoption of such by-law by the qualified ratepayers of the municipality, or portion of municipality, (as the case may be), as provided in the Municipal Act for the creation of debts.

Mode of submitting by-law to ratepayers.

4. Such by-law shall be submitted by the municipal council to the vote of the ratepayers in manner following, namely:—

1. The proper petition shall first be presented to the council, expressing the desire to aid the railway, and stating in what way and for what amount, and the council shall within six weeks after the receipt of such petition by the clerk of the municipality, introduce a by-law to the effect petitioned for, and submit the same for the approval of the qualified voters.

2. In the case of a county municipality the petition shall be that of a majority of the reeves and deputy reeves, or of twenty resident freeholders in each of the minor municipalities of the county, who are qualified voters under the Municipal Act.

3. In the case of other municipalities, the petition shall be that of a majority of the council thereof, or of twenty resident freeholders, being duly qualified voters as aforesaid.

4. In the case of two or more minor municipalities, or sections of two or more such municipalities, or of two or more such municipalities with a section or sections of one or more minor municipalities forming part of a county municipality, the petition is to be presented to the county council, describing the portions to be grouped, and defining any section by metes and bounds, and shall be that of a majority of each of the councils of such minor municipalities respectively, or of twenty resident freeholders in each of the said minor municipalities, or sections proposed to be grouped, being duly qualified voters as aforesaid.

Aid from portion of county municipalities.

5. Where a portion of the county municipality petitions to aid the railway, it shall be such portion only as shall consist of two or more minor municipalities, or sections thereof, through which the line of railway is to be constructed, or which will be benefited thereby, and such minor municipalities and sections thereof, shall lie contiguous, but no minor municipality or section thereof which is subject to a county or other by-law in aid of the same railway, shall be thus grouped without the consent of the majority of the duly qualified voters therein expressed to that end, when voting upon the proposed by-law.

Case where by-law is opposed in counties or portion of counties.

6. In case of aid from a county municipality, or from a grouped portion thereof, twenty resident freeholders of the county, or portion comprised in the proposed by-law (as the case may be) may petition the county council against submitting the said by-law, upon the ground that certain minor municipalities, or portions thereof, comprised in the said by-law

would be injuriously affected thereby, or upon any other ground ought not to be included therein, and upon deposit by the petitioners with the treasurer of the county of a sum sufficient to defray the expense of such reference, the said council shall forthwith refer the said petition to three arbitrators, one being the judge of the county court, one being the registrar of the county, or the riding in which the county town is situate, and one being an engineer appointed by the Commissioner of the Department of Public Works for Ontario, who shall have power to confirm or amend the said by-law by excluding any minor municipality, or any section thereof, therefrom, and the decision of any two of them shall be final, and the by-law so confirmed or amended, shall thereupon, at the option of the railway company, be submitted by the council to the duly qualified voters, and in case the by-law is confirmed by the arbitrators, the expense of the reference shall be borne by the petitioners against the same, but if amended, then by the railway company or the county, as the arbitrators may order.

Arbitration.

7. In the case of a portion of the county municipality being formed into a group, the by-law to be submitted shall be that of the county, but the rate to be levied for payment of the debentures issued thereunder, and the interest thereon, shall be assessed and levied upon such portions only of the county municipality, and the voting thereon shall be limited to the duly qualified voters in such portions only.

Rate to be levied only on the part of municipality granting bonus.

8. Before any such by-law is submitted, the railway company shall deposit with the treasurer of the municipality a sum sufficient to pay the expenses to be incurred in submitting said by-law.

Deposit to cover expense.

9. The term "minor municipality" shall be construed to mean any town not separated from the municipal county, township, or incorporated village situate in the county municipality.

Interpretation of "minor municipality."

10. No by-law shall be valid, or shall be submitted to such vote for granting aid to the railway which shall require the levying of a greater aggregate annual rate for all purposes, exclusive of school rates, than three cents in the dollar upon the value of the ratable property in each of the minor municipalities or section affected thereby, but for the purpose of such aid the amount of the aggregate annual rate to be levied in any such municipality or section, may exceed the two cents in the dollar limited by the Municipal Act.

By-laws to be valid, though the annual rate exceed two cents in the dollar.

11. Such by-law shall in each instance provide for, (1.) raising the amount petitioned for in the municipality or portions of the county municipality (as the case may be) mentioned in the petition, by the issue of debentures of the county or minor municipality, respectively, and shall also provide for the delivery of the said debentures, or the application of the amount to be raised thereby, as may be expressed in the said by-law.

Provisions of by-laws granting aid.

2. For assessing and levying upon all ratable property lying within the municipality or portions of the county municipality defined in said by-law (as the case may be) an annual special rate sufficient to include a sinking fund for the repayment of the said debentures, within twenty years, with interest thereon, payable yearly or half-yearly, or by equal annual instalments of principal and interest, which debentures the respective mu-

For levying a rate.

Proviso.

municipal councils, warden, reeves, and other officers thereof are hereby authorized to execute and issue in such cases respectively: Provided, that in case the sum raised under the authority of such by-law is invested in the capital stock or bonds of the railway company, or loaned thereon, the council of the municipality holding such stock or bonds may sell and dispose of the same or any part thereof, and shall in such case apply the moneys received therefor in payment of the said debentures and interest.

If by-law rejected similar by-law not to be submitted for six months.

12. In case the by-law submitted is not approved of, no other by-law which is in substance the same, shall be submitted to the voters of the same municipality, or portions of the county municipality, until after the expiration of six months from such rejection.

If by-law carried, council to pass the same.

13. In case the by-law submitted be approved of, or carried by a majority of the votes given thereon, then within four weeks after the date of such voting, the municipal council which submitted the same, shall read the said by-law a third time and pass the same.

And issue the debentures.

14. And within one month after the passing of such by-law, the said council, and the warden, reeve, or other officers thereof shall issue or dispose of the debentures necessary to raise the sum mentioned in such by-law, and otherwise act according to the terms thereof.

Corporations may exchange their debentures for those of the township.

15. The corporation of any county municipality shall be at liberty to take the debentures issued by any township in aid of the railway company, and give in exchange therefor to the said township, a like amount of the debentures of the said county, on a resolution to that effect being passed by the county council, but the township municipality shall in such case keep the county municipality fully indemnified against any rate or liability in respect of said debentures.

Debentures to be delivered to trustees.

16. Whenever any municipality, or portion of a county municipality shall grant aid by way of bonus or gift to the railway company, the debentures therefor shall, within six months after passing of the by-law authorizing the same, be delivered to three trustees to be named, one by the Lieutenant-Governor in Council, one by the said company, and one by the majority of the heads of the municipalities which have granted bonuses; all of the trustees to be residents of the Province of Ontario: Provided, that if the said council shall refuse or neglect to name such trustee, or if the Lieutenant-Governor in Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustees, the company shall be at liberty to name such other trustee or other trustees: any of the said trustees may be removed and a new trustee appointed in his place at any time, by the Lieutenant-Governor in Council, with the consent of the said company, and in case any trustee die, or resign his trust, or go to live out of Ontario, or otherwise become incapable to act, his trusteeship shall become vacant, and a new trustee may be appointed by the Lieutenant-Governor in Council, with the consent of said company.

17. The said trustees shall receive the said debentures or Trusts on which debentures to be held. bonds in trust : firstly, under the direction of the company, to convert the same into money ; secondly, to deposit the amount realized from the sale in some of the chartered banks, having an office in this Province, in the name of "The Port Dover and Lake Huron Railway Municipal Trust Account," and to pay the same out to the said company from time to time, on the certificate of the chief engineer of the said railway, in the form set out in schedule "A" hereto, or to the like effect, setting out the portion of the railway to which the money to be paid out is to be applied, and that the sum so certified for, is in pursuance of the terms and conditions of the by-law, and such certificate is to be attached to the cheques to be drawn by the said trustees; and such engineer shall not wrongfully grant any such certificate under penalty of one hundred dollars, recoverable in any county court by any person who may sue therefor.

18. The trustees shall be entitled to their reasonable fees Fees to trustees; act of two trustees to be binding. and charges from said trust fund, and the act of any two of such trustees to be as valid and binding as if the three had agreed.

19. Any municipality which shall grant a bonus of not less Municipalities aiding may appoint directors. than fifty thousand dollars in aid of the said company, may stipulate that it shall be entitled to name a director in the said company as the representative of such municipality; and such director shall be, in addition to the directors elected by the shareholders, and shall not be required to be a shareholder in the company, and shall continue in office as a director in the said company until his successor shall be appointed by the municipality which he represents.

20. Any municipality through which the said railway may may grant lands, pass is empowered to grant by way of gift to the said company any lands belonging to such municipality, which may be required for right of way, station grounds, or other purposes connected with the running or traffic of the said railway; and the said railway company shall have power to accept gifts of land from any government, or any person or body politic or corporate, and shall have power to sell or otherwise dispose of the same for the benefit of the said company.

21. It shall further be lawful for the council of any municipality in which any part of the railway of the company is situate, by by-law especially passed for that purpose, to exempt and exempt from taxation. the said company and its property, within such municipality, either in whole or in part, from municipal assessment or taxation, or to agree to a certain sum per annum, or otherwise, in gross or by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years, and any such by-law shall not be repealed unless in conformity with a condition contained therein.

22 It shall and may be lawful for the council of any municipality that may grant a bonus to the company, and they shall Council may extend time. have full power to extend the time for completion of the works, on the completion of, which the said company would be entitled to such bonuses.

Councils may contribute towards preliminary expenses.

23. It shall be lawful for the council of any township or county municipality interested in the said extension branches, or any of them, and without complying with the requirements of any Act providing for the creation of debts by municipal corporations on behalf of such township or county municipalities, to bear all, or part of the costs, charges and expenses of, and incidental to, the submission of any by-law to the said qualified voters for granting a bonus to the said company, or may give the said company a bonus on account of such costs, charges and expenses, provided always that no one such bonus shall exceed five thousand dollars.

Municipalities may agree as to application of bonus.

24. Whenever any municipality or portion of a municipality shall aid, loan, guarantee, or give money or bonds by way of bonus to aid the making, equipment and completion of said extension and branches, or any part or parts thereof, it shall be lawful for the said company to enter into a valid agreement with any such municipality binding the said company to expend the whole of such aid so given upon works of construction, within the limits of the municipality granting the same.

Directors may issue bonds.

25. The twenty-second section of the said Act, passed in the thirty-fifth year of Her Majesty's reign, "To incorporate the Port Dover and Lake Huron Railway Company," is hereby repealed, and the following substituted therefor:

The directors of the said company, after the sanction of the shareholders shall have been first obtained, at any special general meeting to be called from time to time for such purpose, but limited to the terms of this Act, shall have power to issue bonds made and signed by the president or vice-president of the said company, and countersigned by the secretary and treasurer, and under the seal of the said company, for the purpose of raising money for prosecuting the said undertaking; and such bonds shall, without registration or formal conveyance, be taken and considered to be the first and preferential claims and charges upon the undertaking, and the property of the company, real and personal, and then existing, and at any time thereafter acquired; and each holder of the said bonds shall be deemed to be a mortgagee and an incumbrancer *pro rata* with all the other holders thereof, upon the undertaking and the property of the company as aforesaid; Provided however, such issue of bonds shall not exceed ten thousand dollars per mile for each mile in length of the said proposed railway: And provided also, further, that in the event at any time of the interest upon the said bonds remaining unpaid and owing, then at the next ensuing general annual meeting of the said company, all holders of bonds shall have and possess the same rights and privileges and qualifications for directors and for voting as are attached to shareholders: Provided that the bonds and any transfers thereof shall have been first registered in the same manner as is provided for the registration of shares: All such bonds and coupons, and interest warrants thereon, may be made payable to bearer, and so made shall be transferable by delivery, and the holder may sue thereon at law in his own name.

Not to exceed ten thousand dollars.

Certain by-laws of municipalities granting aid declared valid.

26. A certain by-law of the Township of South Norwich, numbered one hundred and fifty-six, intituled "By-law 156 to authorize the issue of municipal debentures to the amount of ten thousand dollars, to be given by way of bonus to aid and

"assist the Port Dover and Lake Huron Railway Company, the
 "amount of said debentures to be expended in the construction of
 "that part of the said railway lying south of the Town of Wood-
 "stock," and passed on the eighteenth day of August, in the
 year of our Lord one thousand eight hundred and seventy-three;
 a certain by-law of the Town of Simcoe numbered ninety-four,
 intituled, "by-law No. 94, passed in open Council this thirtieth
 "day of December, A.D. 1872, to raise by way of loan the sum
 "of ten thousand dollars, to aid and assist the Port Dover
 "and Lake Huron Railway Company, by giving the said sum
 "to the said company by way of bonus, to be expended in the
 "construction of that part of the said railway lying south of
 "the northern boundary of the Town of Simcoe," and passed
 on the thirtieth day of December, in the year of our Lord one
 thousand eight hundred and seventy-two; a certain by-law of
 the Town of Stratford, numbered one hundred and seventy-
 two, intituled, "By-law No. 172, to aid and assist the Port
 "Dover and Lake Huron Railway Company, by giving thirty
 "thousand dollars by way of bonus to the said company and to
 "issue debentures therefor, and to authorize the levying of a
 "special rate for the payment of the said debentures and the
 "interest thereon," and passed on the fourteenth day of April,
 in the year of our Lord one thousand eight hundred and seventy-
 three; a certain by-law of the Township of Woodhouse, num-
 bered one hundred and twenty-five, intituled "By-law No.
 "125, to authorize the issue of municipal debentures to the
 "amount of fifteen thousand dollars, to aid and assist the Port
 "Dover and Lake Huron Railway Company by giving the said
 "sum to the said company by way of bonus, subject to certain
 "terms, restrictions, and conditions, and to authorize the levying
 "of an annual special rate for the payment of the said debentures
 "and interest," and passed on the fourteenth day of June, in the
 year of our Lord one thousand eight hundred and seventy-three;
 a certain by-law of the County of Oxford, numbered one hun-
 dred and seventy-seven, intituled "By-law No. 177, a by-law to
 "aid and assist the Port Dover and Lake Huron Railway Com-
 "pany, by giving the sum of twenty-five thousand dollars to the
 "said company by way of bonus, and to issue Debentures there-
 "for, and to authorize the levying of a special rate for the pay-
 "ment of the said debentures and interest," and passed on the
 fifth day of December, in the year of our Lord one thousand
 eight hundred and seventy-three; a certain by-law of the
 County of Perth, numbered one hundred and ninety-one,
 intituled "A by-law to aid and assist the Port Dover and Lake
 "Huron Railway Company, by granting thereto the sum of forty
 "thousand dollars by way of bonus, and also to aid and assist
 "the Stratford and Huron Railway Company by granting thereto
 "the sum of eighty thousand dollars by way of bonus, and
 "to issue debentures for the said sums, and to authorize the
 "levying of a special rate for the payment of such deben-
 "tures and the interest thereon," and passed on the twelfth day
 of December, in the year of our Lord one thousand eight hun-
 dred and seventy-three; and a certain other by-law of the
 County of Oxford, intituled "A by-law to aid and assist the Port
 "Dover and Lake Huron Railway Company by giving the sum of
 "fifty thousand dollars to the said company by way of bonus,
 "and to issue debentures therefor, and to authorize the levying
 "of a special rate for the payment of the said debentures and in-
 "terest," and which was read in the council of the said county,

on the third and fourth days of December last, and submitted for the approval of the rate payers on the thirtieth day of December, aforesaid; and all debentures issued, or to be issued, under such by-law or by-laws, or any of them, shall be and are hereby declared to be good, valid, legal, binding, and effectual, subject to all conditions or agreements in the said by-law respectively contained and subject also to the provisions contained in section two hundred and sixty of the Municipal Institutions Act; and each of the said by-laws shall be held to have been good, valid, legal, binding, and effectual from the time of the passing thereof, any law, usage, or custom to the contrary notwithstanding: Provided always, and it is hereby declared, that as between the said company and the municipality of North Norwich, the said township is to be liable for two-fifths only of the said debentures to be issued under the said by-law of the county of Oxford, and interest thereon, and that the company is to indemnify that municipality in respect of the said debentures beyond the proportion aforesaid, including interest on the excess annually, but so that the amount of the said indemnity do not exceed ten thousand dollars and the interest thereon, and that a bond be executed by the company, securing the above indemnity, which bond shall be a first lien on all the property of the company in the counties of Norfolk and Oxford, including the track and road bed, and that such bond shall not need registration in order to preserve the priority of such lien.

**Rights of
aliens.**

27. Shares in the capital stock of the said company may be held, enjoyed, and transferred by aliens, whether resident in Canada or not, and such aliens shall have, possess, and enjoy all the rights and privileges of a natural born British subject in respect thereto, and shall be eligible to office in the said company.

**Commence-
ment and
completion of
railway.**

28. The time for the completion of the said Railway from the Village of Port Dover to the Town of Stratford is hereby extended for the term of four years from the passing of this Act.

SCHEDULE "A."

SECTION 17.

CHIEF ENGINEER'S CERTIFICATE.

THE PORT DOVER AND LAKE HURON RAILWAY COMPANY'S
OFFICE,

ENGINEER'S DEPARTMENT, A. D. 18

No.

Certificate to be attached to cheques drawn on the Port Dover and Lake Huron Railway Municipal Trust Account.

I, _____, Chief Engineer for the Port Dover and Lake Huron Railway Company, do hereby certify, that the sum of \$ _____ is required to be expended in the construction of the portion of the line extending from mile No. _____ to mile No. _____, and that payment should be made to the company of such amount from the Municipal Trust Account, the same being in pursuance of the terms and conditions of the by-law of the Municipality of the _____ of _____



3rd Session, 2nd Parliament, 37 Victoria, 1874.

BILL.

An Act to amend the several Acts of the
Port Dover and Lake Huron Railway,
and to confirm certain by-laws in aid
thereof.

(Reprinted as amended.)

1st Reading, 11th February, 1874.

2nd Reading, 12th March, 1874.

(PRIVATE BILL.)

Dr. CLARKE (Norfolk).

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

No. 47.]

BILL.

[1874.

An Act to amend the Act incorporating the Prince Edward County Railway Company.

WHEREAS, the Prince Edward County Railway Company Preamble.
have petitioned the Legislature for certain amendments
to their Act of Incorporation passed in the thirty-sixth year
of the reign of Her Majesty Queen Victoria, and chaptered
5 seventy-three; and it is expedient to grant the prayer of the
said petition:

Therefore, Her Majesty by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:—

10 **1.** The Board of Directors of the said Company shall consist Increase of
of eleven persons instead of seven, as provided in the said Act, number of
but such eleven directors shall be elected annually, at the General Annual Meeting of the said Company, in the manner pro- Directors.
vided in the said Act.

15 **2.** The Directors of the said Company, subject to the provi- Power as to
sions of the fifteenth section of the said Act, may issue bonds issue of bonds.
to an amount not exceeding twelve thousand dollars per mile of
the said railway, actually under construction at the time of such
issue; and the limitation of nine thousand dollars in the six-
20 tenth section is hereby repealed.

3rd Session, 2nd Parliament, 37 Victoria: 1874.

BILL.

An Act to amend the Act incorporating the
Prince Edward County Railway Company,

First Reading 11th February, 1874.

(PRIVATE BILL.)

Mr. STRIKER.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act respecting the Consolidated Debt of the Town
of Bowmanville.

WHEREAS the Corporation of the Town of Bowmanville Preamble.
have by their petition shown that it is desirable in the
interests of the said Town of Bowmanville, that aid should be
given for the encouragement of manufactories therein, and that
5 the Act passed in the twenty-third year of the reign of Her
Majesty Queen Victoria, and chaptered ninety, of the Parlia-
ment of the late Province of Canada, consolidating the debt of
the said Town, and the Act passed in the Session of the said
Parliament held in the twenty-seventh and twenty-eighth years
10 of the reign of Her said Majesty, and chaptered seventy-three,
amending the former Act be further amended; and that power
shall be given to the Corporation of the said Town of Bow-
manville to issue debentures in excess of the present debt of
said town(which is forty-four thousand dollars) to the amount
15 of thirty thousand dollars, for such purpose or purposes as
hereinafter provided :

Therefore, Her Majesty by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows :—

20 **1.** The said corporation of the Town of Bowmanville may, in Debentures
excess of the present indebtedness of said town, issue debentures may be issued
under their corporate seal, signed by the mayor, and counter- in excess of
signed by the treasurer of the said corporation for the time present in-
being, in such sums not exceeding in the whole thirty thousand debtedness.
25 dollars, as the council of said town may direct.

2. The corporation of said town may give the said debentures Disposal of
or any part thereof, by way of bonus for the promotion of manu- debentures.
factories within the limits of said town, to any person or persons,
or to any body corporate, and in respect of such branch of in-
30 dustry as the said corporation may determine upon, and subject
to such terms, condidions and restrictions, as the said corpora-
tion may deem expedient, and may take security therefor.

3. The corporation of the said town may apply the proceeds Disposal of
of the debentures issued as aforesaid, or any part thereof to the proceeds.
35 purchase of shares or stock in any manufacturing company now
established, or that may hereafter be established, whose works
shall be within the limits of said town.

4. The corporation of the said Town of Bowmanville may ap- Disposal of
ply the proceeds of the debentures to be issued as aforesaid, or proceeds. :
40 any part thereof, for the improvement or construction of roads,
or for any other purpose which the council of the said town may
deem to be expedient for the interests thereof.

Assent of
electors to issue
of debentures.

5. Provided however, that no by-law shall be passed by the said corporation for the issue of said debentures, or any part thereof, until the assent of the electors has been obtained, in conformity with the provisions of section two hundred and forty-eight, and following sections, contained in division VI., under the head "By-laws creating debts," of the Act of the Legislature of Ontario, passed in the thirty-sixth year of the reign of Her said Majesty, and chaptered forty-eight 5

3rd Session, 2nd Parliament, 37 Vic., 1874.

BILL.

An Act Respecting the Consolidated Debt
of the Town of Bowmanville.

1st Reading, 11th February, 1874.

(PRIVATE BILL.)

MR. McLEOD.

TORONTO:

P. INTED BY HUNTER, ROSE & Co.

An Act to enable the Corporation of the City of Ottawa to issue Debentures for a further sum of money to complete the construction of the Water Works for the City of Ottawa.

WHEREAS, the Corporation of the City of Ottawa, and Preamble.
the Water Commissioners for the said City, have by

their petition represented that the moneys raised under the by-law of the Corporation of the City of Ottawa, under the
5 authority of the Act of the Legislature of this Province, passed in the thirty-fifth year of the reign of Her present Majesty, intituled "An Act for the Construction of Water Works for the City of Ottawa," and the Act amending the same is not sufficient to complete the said Water Works and that a further
10 sum of money will be required for that purpose, and they have prayed that an Act of the Legislature may be passed to enable the Corporation of the City of Ottawa to pass a by-law and issue debentures of the said Corporation of the City of Ottawa for the further sum of four hundred and fifty thousand dollars,
15 to enable the said Water Commissioners to proceed with the construction of the said Water Works, and continue the same to completion; and that the said first-mentioned Act should be further amended as hereinafter is contained, and it is expedient to grant the prayer of the said petition:

20 Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. For the purpose of enabling the Corporation of the City of Ottawa to raise the necessary funds for continuing the construction and completion of the Water Works, by the said Acts
25 authorized to be constructed, and for paying the interest on the debentures, hereinafter mentioned, during the progress and until the completion of the works, and the expenses attendant on or incurred in connection with the same, the Corporation of
30 the City of Ottawa may pass a by-law to authorize the issue, and may thereunder issue debentures of the City of Ottawa for a sum of money not exceeding in the whole four hundred and fifty thousand dollars, in sum or sums not less than one hundred dollars, or twenty pounds sterling each, as shall to the
35 Corporation of the City of Ottawa, seem expedient, which debentures shall be made payable either in sterling money of Great Britain or in Canadian currency, as to the Corporation of the City of Ottawa shall seem meet; which debentures shall state that they are issued under the authority of this Act,
40 citing the chapter and short title of the same, and they shall be numbered from number one consecutively upwards, and shall bear date on some day to be named in the by-law authorizing

Corporation of
City may issue
debentures to
the amount of
\$450,000.

the issue thereof, and shall bear interest as hereinafter mentioned, and the whole of the said debentures shall be made payable at the end of thirty years after the date thereof, and shall all bear date the same day, such debentures shall bear interest at the rate of six per cent per annum, and the debentures shall be signed by the Mayor and Chamberlain for the time being of the City of Ottawa, and shall have the seal of the Corporation of the City of Ottawa affixed thereto, and the same shall be made payable at any place in the Province or in the United Kingdom of Great Britain and Ireland, as to the Corporation of the City of Ottawa shall seem expedient, and to each of such debentures shall be attached coupons or warrants for the payment of the interest at the rate hereinbefore mentioned, which shall be signed by the City Chamberlain, or his name may be impressed on the said coupons by machinery, provided for that purpose by and with the authority of the Corporation of the City of Ottawa; And such debentures shall be negotiated by such person or persons, bodies politic or corporate as the Corporation of the City of Ottawa shall by by-law authorize and appoint to negotiate the same; Provided always that it shall not be necessary that the said debentures or the said coupons or warrants shall be made payable at any chartered bank, or that such debentures or any of them shall be deposited in or negotiated through any chartered bank; Provided also that the said Corporation of the City of Ottawa or any person or persons, bodies politic or corporate, by the said Corporation by by-law duly authorized to that effect, shall likewise have power to raise money for the purposes in this section, and in the said Act for the construction of the said Water Works, and the Act amending the same, mentioned on the security, pledge and deposit of the said debentures or any portion of them, pending the negotiation thereof, and may also redeem the same.

Certain formalities with respect to the by-law dispensed with,

2. In respect of the by-law hereinbefore authorized to be passed it shall not be necessary for the said Corporation of the City of Ottawa to order by the said by-law any special or other rate per annum, to be settled, or imposed, or levied in each or any year to pay the principal money and interest on such debentures, nor shall it be necessary to obtain the consent or approval of the Lieutenant-Governor of the Province before contracting the said debt, or before or after the passing of the said by-law; and the said by-law and the debentures to be issued thereunder shall be valid and effectual and binding to all intents and purposes whatsoever, on the Corporation of the City of Ottawa, notwithstanding that the provisions of the municipal laws, or any act or acts in that behalf have not been complied with, and no irregularity in form of the said by-law, or of the debentures to be issued under the same shall render the said by-law or the said debentures invalid, or alleged or be allowed as a defence to any action or proceedings brought against the said corporation for the recovery of the amount of the said debentures or any part thereof, or the principal money thereon, or any part thereof; Provided, however, that the said by-law shall before the final passing thereof receive the assent of the electors of the City of Ottawa duly qualified to vote in respect of by-laws creating debts and requiring the assent of the electors under the Municipal Institutions Act for the Province of Ontario, intituled "An Act respecting Municipal Institu-

but to be assented to by the electors.

tions in the Province of Ontario," and that such assent shall be obtained and all proceedings taken in the premises provided for by sections two hundred and thirty-one, two hundred and thirty-two, two hundred and thirty-three, two hundred and thirty-four, two hundred and thirty-five, and two hundred and thirty-six of the said last mentioned Act, and that the said sections of the said last mentioned Act shall be applicable to the said by-law as fully and effectually to all intents and purposes as if the same were incorporated into this Act.

- 10 **3.** The Water Commissioners for the City of Ottawa shall, after the completion of the Water Works, raise annually from the water rates and with the authority conferred upon them in and by the Act of the Legislature of this Province firstly hereinbefore referred to, and the Act amending the same, a sum
15 of money sufficient to pay the interest semi-annually on the days appointed for the payment thereof, upon the principal money of the said debentures, and shall also raise annually a further sum sufficient to form a sinking fund, to pay off the principal money when the same shall become payable, such sums to be in ad-
20 dition to the moneys required to be raised to pay off the Water-Works debentures, already issued by the Corporation of the City of Ottawa, under the Acts hereinbefore referred to; and the Corporation of the City of Ottawa shall pay the principal moneys and interest on the said debentures, as the same shall
25 from time to time fall due.

Interest and Sinking Fund.

- 4.** If the Water Commissioners for the City of Ottawa shall at any time fail to pay over to the Corporation of the City of Ottawa the sums of money from time to time necessary for the payment of interest on the said debentures or any part of them,
30 or to pay over to the said Corporation of the City of Ottawa after the completion of the said works, the said interest, and as well, also, on or before the first day of January in each year, during the said term of thirty years, such sum of money as may be found, from time to time necessary and requisite for a sinking
35 fund, as herein mentioned, it shall be the duty of the Corporation of the City of Ottawa, and they are hereby authorized and required when and as often as the same may occur, forthwith to settle, impose, levy, and collect an equal special rate upon all the assessable property of the City of Ottawa, in the manner
40 and with the like powers as shall exist in respect to municipal assessments, rates, and taxes, and from the proceeds thereof to pay and discharge all sums of money for interest or principal which shall or may be due or accruing due as aforesaid.

If Commissioners fail to pay interest on debentures, Corporation may levy special rate.

- 5.** Nothing in this Act contained shall extend, or be construed
45 to extend to diminish the power and authority of the Corporation of the City of Ottawa hereafter to borrow on the credit of the said City for the general uses and purposes of the said City, as fully and effectually as if the said City was not indebted for the building of the said Water Works, or that debentures had
50 not been issued by the said City for the amount, or as if this Act had not been passed, any act, statute, or law, or provision thereof to the contrary notwithstanding.

Act not to limit the borrowing powers of the Corporation.

- 6.** The Corporation of the City of Ottawa shall from time to time invest any moneys in their hands at the credit of the sink-
55 ing fund account, and the accruing interest thereon, in Govern-

Investment of Sinking Fund.

ment securities or otherwise, as the Lieutenant-Governor in Council may limit.

Water Works
property to be
charged, &c.,
for payment of
the debentures.

7. The said Water Works to be erected and constructed under the said Acts intituled the Act for the Construction of Water Works for the City of Ottawa, and the Act amending the same, and also the land to be acquired for the purposes thereof, and everything therewith connected shall be, and they are hereby specially charged, pledged, mortgaged, and hypothecated for the repayment of any sum or sums which may be borrowed by the said Corporation of the City of Ottawa under the powers conferred upon them by this Act, as well as for the due and punctual payment of the interest thereon, and all and every of the holders of the debentures issued under the authority conferred by this Act, shall, subject to the charge thereon, in favour of the holders of the debentures issued under the said Act for the construction of Water Works for the City of Ottawa, and the Act amending the same, have a preferential pledge, mortgage, hypothec or privilege on the said lands, Water Works, and property appertaining thereto for securing the payment of the said debentures, and the interest thereon.

35 V., c. 80,
s. 5, amended.

8. Section five of the first mentioned Act, referred to in the preamble of this Act, is hereby amended by inserting in the twentieth line thereof, after the word "highways" and between it and the word "railroads," the words "rivers, bridges," and by inserting in the twenty-second line of the said section, after the word "Carleton," the words "or between the said Townships or Village, and the City of Ottawa."

Sec. 23, amended.

9. Section twenty-three of the said last mentioned Act is hereby amended by inserting in the fifth line thereof, after the word "chamber" the word "pipe."

Commissioners
may erect a
fire alarm tele-
graph.

10. In addition to the powers conferred upon the Water Commissioners for the City of Ottawa by the said Act for the construction of Water Works for the City of Ottawa, and the Act amending the same; the said Commissioners shall also have power to erect, construct, maintain, and work a fire alarm telegraph within the City of Ottawa, and to do all things necessary for the proper and efficient working and management thereof, and all the powers, rights and privileges (including the right to take and acquire lands for that purpose) conferred on the said Commissioners by the said Acts, shall and may be exercised by them for the execution, construction, maintenance and efficient working of the said fire alarm telegraph.

Commissioners
to fix prices
for water used
by the Corpo-
ration.

11. The said Water Commissioners shall also have power to fix the price to be paid by the Corporation of the City of Ottawa for the use of the said water by the City for watering the streets and extinguishing fires, and for such other public purposes as the Corporation of the City of Ottawa shall require the use of the said water; Provided always that if the Corporation of the City of Ottawa shall be dissatisfied with the prices fixed by the said Commissioners, and shall give notice of such their dissatisfaction to the said Commissioners within one month after they shall be notified thereof in writing, then the amount to be paid by the said Corporation to the said Commissioners shall be settled by three arbitrators, one to be appointed by the said

Corporation, one by the said Commissioners, and the third arbitrator to be appointed by the two arbitrators so appointed as aforesaid, and the decision of the said arbitrators, or any two of them shall be final, binding, and conclusive upon the parties ;
5 in the event of either party neglecting to name an arbitrator the fourth section of the statute in the preamble to this Act mentioned, as amended by the eleventh section of "The Ottawa Water Works Amendment Act, 1873," shall be applicable to all proceedings to be taken to ascertain and settle
10 upon the prices to be paid by the said Corporation to the said Commissioners for the use of the said water.

BILL.

An Act to enable the Corporation of the City of Ottawa to issue debentures for a further sum of money to complete the construction of the Water Works for the City of Ottawa.

First Reading, 11th February, 1874.

(PRIVATE BILL.)

MR. MONK.

TORONTO:

PRINTED BY HUNTER, ROSE & CO.

An Act respecting the Highway and Bridges over the Desjardins Canal.

WHEREAS, the corporation of the Town of Dundas, the Desgardins Canal Company, the Great Western Rail- Preamble.

way Company, and the Hamilton and Milton Road Company have made an amicable arrangement respecting the difficulties heretofore existing between them in regard to the erecting, keeping and maintaining fixed bridges across the Desjardins Canal at and near Burlington Heights; And whereas part of such arrangement consists in the closing for a distance of one chain on either side of the said Canal, the present Highway leading across the high level bridge; And whereas it is necessary for the safety and convenience of the public that the arrangement should be legalised and made permanent and effectual, and a petition for that purpose having been presented, it is expedient to grant the prayer thereof:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The highway and high level bridge leading over Burlington Heights within the corporate limits of the City of Hamilton, crossing the Desjardins Canal by means of the said Bridge shall from and after the passing of this Act be permanently closed and cease to be a public highway for the space between lines respectively crossing the said highway at right angles thereto, at the distance of one chain from the northerly and southerly termini of the said high level Bridge, and it shall, and it may be lawful for the Hamilton and Milton Road Company to take down and remove the said high level bridge and by fences, walls, or otherwise to close the said Highway. High level bridge over Burlington Heights to be closed.

2. Whereas, by the indenture in the schedule to this Act set forth, the Hamilton and Milton Road Company have agreed with the other parties to the said indenture to erect, keep and maintain for all time to come, over and across the opening or cut through Burlington Heights, a safe and commodious bridge for all Her Majesty's liege subjects their horses and carriages, free of toll, at all times thereby and thereupon safely to pass and repass, the erection keeping and maintaining of which bridge was provided for and made lawful by the Act of the Parliament of the late Province of Canada, passed in the sixteenth year of Her Majesty's reign, and chaptered fifty-four, Hamilton and Milton Road Co. to maintain bridge.

Therefore it is hereby enacted that hereafter the duty and burthen of erecting, keeping and maintaining such bridge shall be and are hereby imposed exclusively upon the said Hamilton and Milton Road Company.

Town of Dundas and Road Co. may make agreements with Canal Co. as to bridges.

3. It shall be lawful for the Corporation of the Town of Dundas and the Hamilton and Milton Road Company, and they are hereby authorized to make and enter into such agreements and arrangements as they shall think advisable with each other, and with the Desjardins Canal Company and the Great Western Railway Company for or respecting the erecting, keeping and maintaining across the said Canal at and near Burlington Heights in all time to come, of any fixed or stationery or other bridge or bridges already erected or to be erected, and of converting and charging any and all movable or draw, or swing bridges across the said Canal, into fixed and permanent bridges, and whether the said Canal shall thereby be closed against masted or other vessels or not, and all such agreements and arrangements executed under the respective corporate seals of the said parties shall be held to be legal, binding and effectual to all intents and purposes whatsoever, and shall have the same force and effect as if the provisions thereof had been hereby and herein enacted and authorized, and it shall thereupon be lawful to erect, keep and maintain all and any such bridges as fixed stationery and permanent bridges across the said Canal, and to convert and change any and all movable, or draw or swing bridges across the same into fixed and permanent bridges, as by the said agreements and arrangements shall be provided.

Indenture legalized.

4. The indenture of agreement set forth in the schedule of this Act, shall upon its delivery by the parties thereto become valid, binding and effectual to all intents and purposes, and it shall be lawful for the parties thereto to act upon and in accordance with the terms and provisions thereof.

SCHEDULE.

This Indenture made the sixth day of February, in the year of our Lord one thousand eight hundred and seventy four, between the Corporation of the Town of Dundas, (hereinafter called "Dundas") of the first part, the Hamilton and Milton Road Company (hereinafter called "the Road Company"), of the second part; the Great Western Railway Company (hereinafter called "the Railway Company") of the third part; and the Desjardins Canal Company (hereinafter called "the Canal Company"), of the fourth part:

1. Whereas the Railway Company have heretofore constructed over and across the Desjardins Canal at or near Burlington Heights, a swing Bridge for the purposes of their Railway, and they are now desirous to make and at all times hereafter to maintain the said Bridge as a fixed and stationary Bridge, and at any time or times to renew the same, or if they shall see fit to remove the said Bridge, and construct and erect, over and across the said canal at or near the said Burlington Heights another Bridge and other Bridges from time to time, for the purposes of their Railway, and fixed and stationary, so, however, that the said Bridge or bridges shall not be lower than the Railway Bridge now existing as aforesaid:

2. And whereas, the Canal Company have agreed and arranged, by and with the consent and at the request of Dundas, with the Railway Company, to permit the said Railway Company to make and maintain such fixed and stationary Bridges

over the said Canal in consideration of the Railway Company at the request of the Canal Company, and of Dundas, paying to Dundas the sum of thirty-five thousand dollars, and interest thereon, from the first day of October, one thousand eight hundred and seventy-three :

3. And whereas the Canal Company have also agreed with the Road Company to permit the Road Company to erect and maintain at all times hereafter a fixed, permanent and stationary Bridge or Bridges over and across the said Canal, at a point not within sixty-five feet of the present Railway Bridge, and not lower than the said swing Bridge in consideration of the Road Company agreeing to erect and maintain over and across the opening or cut through the Burlington Heights, made for the present channel or course of the said Canal, a safe and commodious Bridge or Bridges as aforesaid, for all Her Majesty's liege subjects and others, their horses and carriages, free of toll at all times thereupon and thereby, to pass and repass :

4. And whereas Dundas hath agreed to sanction and confirm the making and maintaining of such fixed and stationary Bridge and Bridges, by the Railway Company, in consideration of the money payment to them aforesaid by the Railway Company, and hath also agreed to sanction and confirm the making and maintaining of such fixed and stationary Bridge or Bridges by the Road Company for the considerations aforesaid and in consideration of the agreement of the Road Company to erect and maintain such safe and commodious Bridge as aforesaid :

5. And whereas the Railway Company in consideration of the covenants on the part of the Road Company hereinafter contained to construct such safe and commodious Bridge, and perform the stipulations of this agreement, on their part have agreed to pay to the Road Company the sum of.

6. And whereas it has been agreed between all the parties hereto, that all matters in difference, and all claims and demands of the one party against the other or others shall be taken as settled, satisfied and discharged, and shall be determined and at an end, save only that the claims of Dundas against the Canal Company shall remain in full force, except as to the sum of thirty-five thousand dollars and interest thereon, received hereunder which is to be taken by Dundas as a payment thereon by the Canal Company :

7. Now this Indenture witnesseth that in consideration of the premises, and of the payment by the Railway Company to Dundas at the request of the Canal Company, Dundas and the Road Company, of the aforesaid sum of thirty-five thousand dollars, with interest thereon as aforesaid, the receipt whereof by Dundas is hereby acknowledged, the Canal Company, Dundas, and the Road Company, each party for themselves, and not the one for the other of them, do covenant and agree with the Railway Company, that the Railway Company shall and may forthwith convert or change the draw or swing Bridge of the Railway Company over and across the Desjardins Canal at or near Burlington Heights, into a fixed, permanent and stationary Bridge, and may also so maintain the same at all times hereafter, whether the Canal shall thereby be closed against masted or other vessels or not, and may from time to time hereafter renew the same, and may if they see fit at any time or times alter the said Bridge or remove the same, and construct, erect and maintain over the said Canal at or near the

said Heights, at the same point or above or below, or above and below the same point, another fixed, permanent and stationary Bridge, or other fixed, permanent and stationary Bridges, not nearer to the Road Company's present iron Bridge than twenty-seven feet, without compensation to the Road Company, and at such height above the water as the Railway Company may think fit, so, however, that the said Bridge or Bridges shall not be lower than the swing Bridge now existing, and shall not interfere with the navigation of the said Canal, any more than the present swing Bridge would, if closed and made a fixed and stationary Bridge:

8. And this indenture further witnesseth that in consideration of the Road Company agreeing to erect and maintain over and across the said opening or cut through Burlington Heights, a safe and commodious Bridge as and for the purposes hereinbefore mentioned, the Canal Company and Dundas do severally agree to permit the Road Company to take down and remove permanently the present high Bridge, (the material and debris thereof to be the property of the Road Company) and construct erect, and at all times hereafter maintain over and across the said opening or cut through Burlington Heights, and at any height not lower than the said swing Bridge, a fixed permanent and stationary Bridge and Bridges, so constructed however, as not to interfere with navigation more than the present swing Bridge would if it were now a fixed and permanent Bridge, and not to be within sixty-five feet of the site of the present Railway Bridge:

9. And the Road Company for themselves, their successors and assigns, in consideration of the permission given to them by the Canal Company and Dundas, to build such fixed Bridges as aforesaid, and also in consideration of the payment to them by the Railway Company of the sum of

(whereof the sum of

has heretofore been paid and the remainder is now paid), the receipt whereof they do hereby acknowledge, do hereby covenant and agree with Dundas, the Canal Company and the Railway Company and each of them, that within nine months from the date of the passing of an Act of the Legislature of Ontario, confirming this agreement and legalizing the keeping of fixed and stationary Bridges over the said cut as aforesaid, they the Road Company will close or cause to be closed the highway leading to the present high Bridge over the said Canal at Burlington Heights, for a distance of one chain on either side of the said high Bridge, and divert or cause to be diverted the said highway at each side of the said Canal, so that the same shall lead to the Bridge to be built, constructed and maintained by the Road Company in lieu of the said high Bridge as hereinafter mentioned, and close and remove the said high Bridge, (the material and debris to be the property of the Road Company) and the Road Company to do no injury and cause no obstruction other than the necessary temporary obstruction during the execution of their works, to the Canal or its banks in the removal of such high Bridge, and in lieu thereof build, construct and for all time and at all times hereafter, maintain over and across the opening or cut through the said Burlington Heights made for the present channel or course of the Desjardins Canal, a good, permanent, stationary, safe and commodious Bridge for all Her Majesty's liege subjects and others, their horses and carriages, free of toll at all times thereby and

thereupon safely to pass and repass, and that such Bridge shall be so erected and maintained not within sixty-five feet of the present Railway Bridge of the Railway Company across the said Canal, and at the height hereinbefore in that behalf provided for, and that they will ~~not~~ place, build or maintain, or cause to be placed, built or maintained any Bridge whatever, which shall be within sixty-five feet of the site of the present Railway Bridge of the Railway Company over the said Canal.

In Witness whereof the several parties to these presents have hereunto set their respective Corporate Seals the day and year first above written.

Signed, sealed and delivered
in quadruplicate by Dundas in
the presence of

By the Road Company in
the presence of

By the Railway Company in
presence of

And by the Canal Company
in the presence of

3rd Session, 2nd Parliament, 37 Victoria, 1874.

BILL.

An Act respecting the Highway and
Bridges over the Desjardins Canal.

First Reading, 11th February, 1874.

(*PRIVATE BILL.*)

MR. R. CHRISTIE.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act to incorporate The London Fuel Association.

WHEREAS, George Moorehead, Joshua D. Dalton, Robert Preamble.

Lewis, Herman Waterman, Alfred T. Chapman, Andrew Mc Cormick, Hugh Macmahon, Benjamin Cronyn, and James Moffat, have by their Petition represented that a large
 5 saving would be ensured to the citizens of London in the price of fuel, by the purchase of the same in large quantities conjointly, and to carry out this object have prayed that an Act might be passed incorporating a company by the name of "The London Fuel Association;" And whereas it is expedient to
 10 grant the prayer of the said petitioners;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. George Moorehead, Joshua D. Dalton, Robert Lewis, Incorporation
 15 Herman Waterman, Alfred T. Chapman, Andrew McCormick, Hugh Macmahon, Benjamin Cronyn, and James Moffat, together with such other persons and corporations as shall become shareholders of the company hereby incorporated, shall be and are hereby made and constituted a body corporate and politic,
 20 by the name of "The London Fuel Association."

Corporatd
name.

2. The said corporation is hereby constituted for the purpose Powers and
business of
Company.
 of purchasing and selling coal, wood, peat, and other material for the purpose of being used as fuel, and for these purposes may acquire and hold by purchase, lease or other legal title,
 25 such personal property, and such lands, not at any time exceeding four thousand acres in superficies; and construct and maintain such buildings, machinery and other erections and improvements thereon, or connected therewith, as the company may deem for its advantage; with power to sell and convey any of
 30 such lands or other property as the said company may think fit; and may hold, use and enjoy all such property, privileges and rights for the purpose of carrying on said business in all its branches, under the provisions of this Act.

3. The capital stock of the said company shall be one hun- Capital stock.
 35 dred thousand dollars, in shares of twenty dollars each, and such shares shall be and are hereby vested in the several persons who shall subscribe for the same, and be deemed personal estate, and shall be assignable at the place of business of the corporation in the City of London, and according to such form
 40 as the directors shall prescribe; and the money so raised shall Application
of money.
 be applied in the first place to the payment of all fees, expenses and disbursements for procuring the passing of this bill, and all the rest and residue of the said money shall be applied

toward the purchasing of fuel, and land, and personal property, and such other property as may be required in carrying on the business of the said company.

Power to increase capital.

4. The directors of the company, if they see fit at any time after the whole of the capital stock shall have been allotted and paid in, but not sooner, may make a by-law for increasing the capital stock of the company to an amount not exceeding two hundred thousand dollars, which they may consider requisite in order to the due carrying out of the objects of the company; and such by-law shall declare the number and shares of the new stock, and may prescribe the manner in which the shares be allotted, and in default of its so doing, the whole of such allotment shall be held to vest absolutely in the directors: Provided that no by-law for increasing the capital stock of the company shall have any force or effect whatever, until after it shall be sanctioned by a vote of not less than three-fourths in value of the shareholders, at a general meeting of the company duly called for considering the same.

Ten per cent. to be paid on stock.

5. No subscription for stock in the capital of the company, shall be binding on the company unless ten per centum of the amount has been actually paid thereon to the company, after call made for same, into one of the chartered banks of this Province to the credit of the company, and not to be withdrawn except for the purposes of the company.

How stock to be paid.

6. The capital stock shall be paid by the subscribers therefor, when and as the directors of the company shall require, or as the by-laws provide; and if not paid at the day required, interest at the rate of six per centum per annum shall be payable after the said day, upon the amount due and unpaid; and in case any instalment or instalments shall not be paid as required by the directors, with interest thereon, after such demand or notice as the by-law prescribes, and within the time limited by such notice, the directors may by vote reciting the fact, and duly recorded in their records, summarily forfeit any shares whereon such payment is not made, and the same shall thereupon become the property of the company, and may be disposed of as the by-laws or votes of the company may provide.

Aliens may be shareholders.

7. Aliens, as well as British subjects, and whether resident in this Province or elsewhere, may be shareholders in the said company, and all such shareholders shall be entitled to vote on their shares equally with British subjects, and shall be also eligible to hold all the offices in the said company.

Provisional directors.

8. The said George Moorehead, Joshua D. Dalton, Robert Lewis, Herman Waterman, Alfred T. Chapman, Andrew McCormick, Hugh Macmahon, Benjamin Cronyn, and James Moffat, shall be provisional directors of the said company, and shall severally hold their offices until the first election of directors, which first election shall take place so soon as the amount of stock hereinafter named is subscribed, and the percentage thereon paid up; and for the purpose of election, the provisional directors herein named, may appoint any place in the City of London where such election may be held, by giving one month's previous notice, to be published in one or more daily papers in said city at least three separate times, and in the

Ontario Gazette, such election to be by ballot; and said provisional directors shall have power to open stock books, receive subscriptions of stock or shares, and payments on account of purchase of fuel from non-stockholders, direct how
 5 the same shall be paid, to receive payments thereon, and generally to do all matters and things necessary for the full organization and working of the company.

9. The affairs of the company shall be under the control of, **Directors.**
 and shall be managed and conducted by a board of not
 10 less than nine nor more than thirteen directors, and the directors to be elected under the provisions of this Act, shall each be stockholders to an amount of not less than five hundred **Qualification.**
 dollars, and shall be elected on the first Wednesday in the month of April in every year after that in which the company
 15 goes into operation at the City of London, unless otherwise provided by the by-laws of the company, to hold office until their successors are elected, and who (if otherwise qualified) may always be re-elected, and five members of such board present in person, shall be a quorum thereof; and in case of the death, **Vacancies, how filled.**
 20 resignation, removal, or disqualification of any directors, such board, if they see fit, may fill the vacancy until the next annual meeting of the company, by appointing any qualified shareholder thereto, but a failure to elect directors, or any failure of directors, shall not dissolve the corporation, and an
 25 election may be had at any general meeting of the company called for the purpose.

10. At all meetings of the company, every shareholder not **Scale of votes.**
 being in arrear in respect of any instalment called for, shall be entitled to as many votes as he holds shares in the stock of the
 30 company, and no shareholder being in arrear shall be entitled to vote; and all votes may be given in person or by proxy: Provided always, the proxy is held by a shareholder not in arrear, and as in conformity with the by-law.

11. The board of directors may employ one or more of their **Remuneration of directors.**
 35 number as paid director or directors, and the directors shall be entitled to receive fees for attendance at all meetings duly convened, at which they shall be present in person, as regulated by their said by-laws.

12. As soon as shares to the amount of ten thousand dollars **First general meeting.**
 40 of the capital stock of the said company shall have been subscribed, and ten per centum thereof paid up, the provisional directors shall call a general meeting of the subscribers for the said capital stock who shall have so paid up ten per centum thereof, for the purpose of electing permanent directors of said
 45 company as herein provided.

13. The said board of directors shall elect and appoint a president and a vice-president, and the necessary officers, and may remove the latter at pleasure, and fill up vacancies from time to time; but the said president and vice-president shall be elected
 50 annually, immediately after the election of directors, except that in filling up a vacancy, the election may be made at any time. **Appointment of officers.**

14. The said company shall have power to receive, take and retain, otherwise than in stock and shares in the said company **Power to receive payment in advance for fuel.**

from any person or persons requiring, or who wish to be supplied with fuel by the said company, such payment or payments or sum or sums of money, on account of the purchase thereof, as they shall by their rules, regulations and by-laws determine; and the paid in and subscribed capital of the company shall be liable for the amount so received or taken by the company. 5

shareholders
not personally
liable.

15. The shareholders of the said company shall not as such, be held responsible for any act, default or liability whatsoever of the company, or for any engagement, claim, payment, loss, injury, transaction, matter or thing whatsoever relating to or connected with the company, beyond the amount of their respective shares in the capital stock thereof. 10

Liability of
shareholders

16. The shareholders in the said company shall be jointly and severally liable for all debts due and owing to any of the labourers and servants thereof for services performed for such company; but no shareholder in such company shall be personally liable in respect of any such debt which is not to be paid within one year from the time the debt is contracted, nor unless a suit for the collection of such debt be brought against the company within one year after the debt became due; and no suit shall be brought against any shareholder in such company for any debt so contracted, unless the same be commenced within two years from the time he ceased to be a shareholder in such company, nor until an execution against the company shall have been returned unsatisfied in whole or in part. 15 20 25

Negotiable
instruments.

17. The company shall have power to become parties to promissory notes and bills of exchange, for sums not less than one hundred dollars; and any such promissory note made and endorsed by the president or vice president of the company, and countersigned by the secretary or treasurer, and under the authority of a majority of a quorum of the directors, shall be binding on the company; and every promissory note or bill of exchange, made, drawn, accepted or endorsed by the president or vice-president of the said company, and countersigned by the secretary or treasurer as such, shall be presumed to have been properly made, drawn, accepted or endorsed (as the case may be) for the company until the contrary be shown, and shall be valid and binding on the company in the hands of a *bona fide* holder for value, without notice of the same being unauthorized, whether authorized as aforesaid or not; and in no case shall it be necessary to have the seal of the company affixed to any such bill of exchange or promissory note; nor shall the president, vice-president, secretary, or treasurer of the company, so making, drawing, accepting, or endorsing any such promissory note or bill of exchange, be thereby subjected individually to any liability whatever, unless the same shall be unauthorized, when the parties signing the same shall be liable to the said company for all loss or damage the said company may sustain by reason thereof, or by the payment thereof, and unless any such bill or note shall have been given for wages to servants or employees of the company; Provided always that nothing in this section shall be construed to authorize the said company to issue any note of a character to be circulated as money, or as the notes of a bank. 30 35 40 45 50

Powers of
Directors.

18. The directors of the company shall have full power in all things to administer the affairs of the company, and may 55

make or cause to be made for the company any description of contract which the company may by law enter into ; and may from time to time make by-laws not contrary to law nor to this Act ; to regulate the allotment of stock ; the making of calls 5 thereon ; the payment thereof ; the issue and registration of certificates of stock ; the forfeiture of stock for non-payment ; the disposal of forfeited stock, and of the proceeds thereof ; the transfer of stock ; the declaration and payment of dividends whether on stock or on payments for fuel ; the number and pay- 10 ment of directors ; the appointment, functions, duties and removal of all agents, officers and servants of the company ; the security to be given by them to the company and their remunerations ; the place where the annual meetings shall be held within the Province of Ontario ; the calling of meetings, regular 15 and special of the board of directors and of the company ; the requirements as to proxies and the procedure in all things at such meetings ; the imposition and recovery of all penalties and forfeitures admitting of regulation by by-law ; and generally all such by-laws as shall appear to them proper and necessary 20 touching the well ordering and conduct in all other particulars of the affairs of the company ; and may from time to time repeal, amend and re-enact the same ; but no such by-law nor any repeal, amendment or re-enactment thereof, except for the purpose of regulating the working of the said company, the ap- 25 pointment, functions, duties and removal of agents, officers and servants of the company, the security to be given by them to the company and their remuneration, shall have any force or effect until confirmed at the annual, general, or a special meeting called for the purpose of taking the same into consideration, 30 and confirming or annulling the same, and in default of confirmation thereat shall be of no force or effect : Provided always, that one-fourth in value of the shareholders of the company shall at all times have the right to call a special meeting thereof for the transaction of any business specified in such written 35 requisition and notice as they may issue to that effect.

19. A copy of any by-law of the company, under their seal, and purporting to be signed by any officer of the company, shall be received as *prima facie* evidence of such by-law, in all the courts of law and equity in Ontario. Evidence of by-laws.

40 20. The stock of the company shall be deemed personal estate, and shall be transferable in such manner only, and subject to all such conditions as by this Act, or by-laws of the company are, or shall be prescribed. Stock to be personalty.

21. It shall be the duty of the directors of this company to make yearly or half-yearly dividends of so much of the profits of the said company, as to them may seem advisable ; said dividends to be declared on the paid up stock, and deposits paid in on account of the purchase of fuel, according to the by-laws of the company. Dividends.

50 22. The said company shall not be bound to see to the execution of any trust, whether express, implied or constructive, in respect of any share ; and the receipt of the shareholders, in whose names the same may stand in the books of the company, shall be a valid and binding discharge to the company for any dividend or money payable in respect of such share, and whether Company not liable in respect of trusts.

or not notice of such trust has been given to the said company, and the company shall not be bound to see to the application of the money paid on such receipt.

Power to borrow money.

23. The directors of the said company are hereby authorized and empowered from time to time to borrow, for the purposes of the company, any sum or sums of money, and for that purpose to issue bonds or debentures, on such terms as they may think proper, and may pledge all the property or income of the said company, either the property or income of said company, or any part thereof, for the repayment of the money so raised or borrowed, and the payment of the interest thereon, as may be expressed in said bonds or debentures, which shall form a charge accordingly; and such bonds or debentures shall be in such forms, and for such amount, and payable at such times and places, as the directors from time to time may appoint and direct; the said bonds or debentures shall be signed by the president or vice-president, and shall have the corporation seal of the company affixed thereto: Provided always, that the consent of three-fourths in value of the stockholders of the company shall be first had and obtained, at a special meeting to be called and held for that purpose: Provided also, that the said company shall not be authorized at any time to borrow a sum exceeding one-half the amount of the capital stock then paid up.

BILL.

An Act to incorporate The London Fuel Association.

1st Reading, 11th February, 1874.

(PRIVATE BILL.)

MR. MEREDITH.

TORONTO:

PRINTED BY HUNTER, ROSE & CO.

. An Act to incorporate the Town of Meaford.

5 **W**HEREAS the unincorporated Village of Meaford, in the Township of St. Vincent, in the County of Grey, has a population of one thousand five hundred or thereabouts : And whereas the population of the said village is increasing and will continue to increase in consequence of it being the terminus of
10 the North Grey Railway, and from other causes : And whereas the inhabitants of the said village have by their petition represented that they are desirous of having the said village incorporated as a town, in order the better to enable them to carry out certain necessary improvements which can be more
15 readily effected under the powers granted to town incorporations : And whereas, it is expedient to grant the prayer of the said petition :

Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts
20 as follows :—

1. From and after the passing of this Act the inhabitants of the said Village of Meaford shall be and they are hereby constituted a corporation or body politic, under the name of "The Corporation of the Town of Meaford," apart from the Township of St. Vincent in which it is situate, and shall enjoy and have all the rights, powers, and privileges enjoyed and exercised by incorporated towns in the Province of Ontario, under the existing municipal laws of the said Province.

Incorporation

2. The said Town of Meaford shall comprise and consist of all that part of the said Township of St. Vincent described as follows :

Boundaries

Starting from the Lake Shore and continuing westerly along the centre line of eighteen and nineteen side road to the north-west corner of the east half of lot eighteen in the sixth concession ; thence southerly and following the division line of the
35 east and west halves of lots eighteen, seventeen and sixteen in the said sixth concession to the centre line of fifteen and sixteen side road ; thence easterly along the centre line of said road to the division line between the fifth and sixth concessions ;
40 thence southerly along the said division line to the centre of lot fifteen ; thence easterly along the centre line of lot fifteen to the centre of the fifth concession ; thence southerly along the centre line of the said fifth concession to the division line between lots thirteen and fourteen ; thence easterly along the
45 said division line to the south-east corner of lot fourteen in the fourth concession ; thence northerly along the division line between the third and fourth concessions to the Lake Shore, and continuing on same course till a depth of twenty feet of water

is found; thence following the Lake Shore (but at such a distance therefrom as to include within the limits of said incorporation a depth of twenty feet of water) to the intersection with the centre line of eighteen and nineteen side road produced easterly from the place of beginning, and comprising within 5 said limits the broken fronts of lots fourteen, fifteen and sixteen in the fourth concession; the south-east halves of lots fourteen and fifteen; the north-west quarter of lot fifteen, and the broken fronts of lots sixteen, seventeen and eighteen in the fifth concession, and the east halves of lots sixteen, seventeen and 10 eighteen in the sixth concession.

Wards.

3. The said Town of Meaford shall be divided into three Wards, to be called respectfully East Ward, West Ward, and North Ward.

East Ward.

(1) East Ward shall be composed of that part of the said 15 town described as follows:—

Commencing at the Lake Shore and continuing southerly along the division line between the third and fourth concessions to the south-east corner of lot fourteen in the fourth concession; thence westerly along the division line between lots thirteen and 20 fourteen in said fourth concession to the intersection of said division line with the centre of the fourth and fifth concession line; thence northerly along centre of said fourth and fifth concession line to the intersection of the centre line of Edwin Street; thence along centre line of Edwin Street to the inter- 25 section of centre line of Seymour Street; thence along the centre line of Seymour and Sykes Street to the intersection of centre line of Nelson Street; thence easterly along centre line of Nelson Street to the middle of Bighead River, thence following centre of Bighead River and the Lake Shore, as before described, 30 to intersection with division line between third and fourth concessions produced from place of beginning.

West Ward.

(2) West Ward shall be composed of that part of the said town described as follows:

Commencing at the intersection of Nelson and Sykes Street 35 and continuing westerly along the centre line of Nelson Street produced to the division line between the east and west halves of lot sixteen in the sixth concession; thence southerly along the division line between the east and west halves of part of lot sixteen to the centre line of fifteen and sixteen side road; thence 40 easterly along the centre line of said road to the division line between the fifth and sixth concessions; thence southerly along the said division line to the centre of lot fifteen; thence easterly along the centre line of lot fifteen to the centre of the fifth concession; thence southerly along the centre line of the said 45 fifth concession to the south-west corner of the east half of lot fourteen; thence easterly along the division line between lots thirteen and fourteen across the east half of the fifth concession, to the intersection of said line with the centre of the fourth and fifth concession line; thence northerly along the centre of 50 the said fourth and fifth concession line to the intersection of the centre line of Edwin Street; thence along centre line of Edwin Street to intersection of centre line of Seymour Street; thence following centre line of Seymour and Sykes Street to the place of beginning. 55

North Ward

(3) North Ward shall be composed of that part of the said town described as follows:

Commencing at the intersection of the centre of Nelson Street with the middle of Bighead River, and continuing westerly

along said centre line of Nelson Street produced to the division line between the east and west halves of lot sixteen in the sixth concession ; thence northerly along the division line between the east and west halves of part of lot sixteen, and of lots seventeen and eighteen in the said sixth concession, to the north-west corner of the east half of lot eighteen in the said sixth concession ; thence easterly along the south side of eighteen and nineteen side road to the Lake Shore, thence produced and following the Lake Shore as before described, and continuing up the centre of Bighead River to the place of beginning.

4. Immediately after the passing of this Act it shall be lawful for John Alberty, who is hereby appointed the returning officer, to hold the nomination for the first election of mayor, reeve and councillors at the town hall in the said Town of Meaford, at the hour of noon on a day to be by him appointed, and within one month after the passing of this Act, of which day he shall give at least one week's notice in the two newspapers published in the said town, and by a like notice in writing posted up in at least two of the most public places in each of the wards of the said town ; and the said John Alberty shall preside at the said nomination, or in case of his absence the electors present shall choose from among themselves a chairman to preside at the said nomination, and such chairman shall have all the powers of a returning officer ; and the polling for the said election shall be held on the same day of the week in the week next following the said nomination, and the returning officer or chairman shall, at the close of the nomination, publicly announce the place in each ward at which the polling shall take place.

First Election.

Polling.

5. The said returning officer shall, by his warrant, appoint a deputy-returning officer for each of the wards into which the said town is divided ; and such returning officer and each of such deputy-returning officers shall, before holding the said election, take the oath or affirmation required by law, and shall respectively be subject to all the provisions of the municipal laws of Ontario, applicable to returning officers at elections in towns, in so far as the same do not conflict with this Act ; and the said returning officer shall have all the powers and perform the several duties devolving on town clerks with respect to municipal elections in towns.

Deputy-returning officers.

Powers and duties of returning officer.

6. The clerk of the said Township of St. Vincent and any other officer thereof shall, upon demand made upon him by the said returning officer, or any other officer of the said town, or by the chairman hereinbefore mentioned, at once furnish such returning officer, officer or chairman, with a certified copy of so much of the last revised assessment roll for the said village and township as may be required to ascertain the names of the persons entitled to vote in each of the said wards at the said first election, or with the collector's roll, document, statement, writing or deed, that may be required for that purpose : And the said returning officer shall furnish each of the said deputies with a true copy of so much of the said roll as relates to the names of electors entitled to vote in each of the said wards respectively, and each such copy shall be verified on oath.

Clerk of St. Vincent to furnish copy of assessment roll &c.

Copies to be furnished to deputy-returning officers.

7. The council of the said town to be elected in manner aforesaid, shall consist of a mayor, who shall be the head thereof, a

Council, of whom to be composed.

- reeve, and three councillors for each ward; and they shall be organized as a council on the same day of the week next following the week of the polling; or, if there be no polling, on the same day of the week next following the week of nomination; and subsequent elections shall be held in the same manner, as in towns incorporated under the propisions of the municipal laws of Ontario; and the said council and their successors in office shall have, use, exercise, and enjoy all the powers and privileges vested by the said municipal law in town councils, and shall be subject to all the liabilities and duties imposed by the said municipal laws on such councils.
- Elections.** 5
- Powers, liabilities, &c.**
- Declaration of office and qualification.** 8. The several persons who shall be elected or appointed under this Act shall take the declarations of office and qualification now required by the municipal laws of Ontario, to be taken by persons elected or appointed to like offices in towns. 15
- Qualification of electors and officers.** 9. At the first election of mayor, reeve and councillors for the said Town of Meaford, the qualification of electors and that of the officers required to qualify shall be the same as that required in townships by the municipal laws of Ontario, and the qualifications of mayor shall be the same as that of a reeve in a township. 20
- Town set apart.** 10. From and afeer the holding of the first election under this Act, the said Town of Meaford shall cease to form part of the Township of St. Vincent, and shall in all respects be a separate and independant municipality, with all the rights, powers and privileges, and jurisdiction of an incorporated town in Ontario. 25
- Rights and liabilities as between the town and township.** 11. The council of the said Town of Meaford shall be entitled to recover from the said Township of St. Vincent such share of all moneys on hand, due, owing and of right collectable by and belonging to the said township at and prior to the said time of incorporation, or thereafter, if entitled thereto, as shall bear such proportion to the whole as the amount of the assessed property within the limits of the said town as shown by the collector's roll of the year one thousand eight hundred and seventy-three, bears to the whole amount of the assessed property of the said Township of St. Vincent, each to each; and the said town shall be liable to pay to the said township a share in the same proportion of all debts and liabilities existing against the said township at the time this Act shall come into force, as the same shall become due, and which are fairly and equitably chargeable against the said town; and in case of dispute the share to be borne by each respectively shall be ascertained and settled under the provisions of the municipal laws of Ontario. 30 35 40
- Expenses of assessment for this year, and of furnishing documents, &c.** 12. The expenses of any assessment imposed for the present year, so far as the same shall relate to assessments made within the limits of the said town and incurred to obtain this Act, and of furnishing any documents, copies of papers, writings, deeds, or any matters whatsoever required by the clerk or other officer of the said township, or otherwise, shall be borne by the said town and paid by it to the said township, or to any party that may be entitled thereto. 45

No. 52.

3rd Session, 2nd Parliament, 37 Vict., 1874.

BILL.

An Act to Incorporate the Town of Meaford,
in the County of Grey, and Province of
Ontario.

1st Reading, 11th February, 1874.

(*PRIVATE BILL.*)

Mr. SCOTT.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act to authorize the Sale or Exchange of a Block of Land in the Village of Dresden, designated on the registered Plan of the said village as "Cemetery Ground."

- WHEREAS**, a certain block of land in the Village of Dresden in the County of Kent, designated on the registered Plan "Cemetery Ground," and containing six acres more or less, held by the Right Reverend Isaac Hellmuth, D.D., Bishop of Huron and his successors in trust for the purposes of a cemetery or burying ground; and the corporation of the said Village of Dresden, and the said Isaac Hellmuth, Bishop of Huron, have represented by their petition that it is desirable that by the sale or exchange of the said block of land, other land outside the limits of the said village should be procured for the purposes of a burying-ground, and they have prayed that an Act may be passed, granting power to sell or exchange the said block of land, and in lieu thereof to obtain land without the limits of the said village for the like purpose :
- Therefore**, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows :—
- 1.** The Right Reverend the Bishop of Huron for the time being, is hereby authorized and empowered to sell and convey the said block of land in one or more parcels, and upon such terms of payment as may to him seem most advisable ; and to invest the proceeds of such sale or sales in the purchase of at least an equal quantity of land outside the limits of the said village, and in fencing and improving the same. Power to sell.
Application of proceeds of sale.
 - 2.** In case the said Bishop shall deem it more advisable to exchange the said block of land for at least an equal quantity of other land without the limits of the said village, he is hereby authorized and empowered so to do, and in order to complete such exchange, the said Bishop may convey the said block to the proper party or parties in that behalf; and any land obtained by the said Bishop in lieu of the said "Cemetery Ground," whether by purchase or exchange, shall be held by him and his successors in the office of Bishop of Huron, in trust for like purposes as the said block of land is now by him held. Power to exchange.
 - 3.** The purchaser or purchasers of the said block of land or any part thereof from the said Bishop, shall not be bound to see to the application of the purchase money, but the receipt of the said Bishop shall be a sufficient discharge for the same. Purchasers not bound to see to the application of the purchase.

BILL.

An Act to authorize the sale or exchange of a block of land in the Village of Dresden, designated on the registered plan of the said Village as cemetery ground.

First Reading, 11th February, 1874.

(PRIVATE BILL.)

MR. MEREDITH.

TORONTO:

PRINTED BY HUNTER, ROSE & CO.

An Act to incorporate the Cathedral of the Holy Trinity, of London.

WHEREAS, the Right Reverend Isaac Hellmuth, D.D. Preamble

Bishop of the Diocese of Huron, having in contemplation the erection of a Cathedral, in the City of London, in connection with the Church of England, in Canada, procured as a
5 site for the same, that block of land in the said City of London, bounded on the north by Piccadilly street, on the south by the southerly limits of lot numbered fourteen on the west side of Wellington street, and lot numbered fourteen on the east side of Park lane, produced westerly to Sarnia street, on the east by
10 Wellington street, and on the west by Sarnia street; and the said land has been conveyed to, and is now vested in the Church Society of the Diocese of Huron, in trust for the purposes of the said Cathedral, and the erection of the Cathedral buildings thereon has been commenced; And whereas, a petition
15 has been presented to this Legislature praying that the said Cathedral may be incorporated, and it is expedient to grant such petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts
20 as follows:—

1. There shall be and there is hereby constituted and Incorporation.
established in the City of London, in the Province of Ontario, a body politic and corporate under the name of "The Cathedral of the Holy Trinity," which corporation shall consist of the
25 Right Reverend the Bishop of Huron, for the time being, the very Reverend the Dean of Huron, for the time being, and the Archdeacons and Canons of the said the Diocese of Huron, for the time being, the said Bishop, Dean, Archdeacons and Canons of the said Diocese of Huron, for the time being, shall
30 be the governing body of the said corporation, and the Bishop shall be ex-officio, the president thereof.

2. Such corporation shall have perpetual succession, and a Powers of corporation.
common seal, and all other the rights and privileges vested by "the Interpretation Act" in corporations generally, and shall
35 have full power to make and establish such and so many by-laws, rules and regulations, (not contrary to this Act, or the laws of this Province,) as they shall deem useful or necessary as well concerning the erection and completion of the said Cathedral buildings, as for the superintendance, advantage and im-
40 provement of all the property movable or immovable belonging to, or which shall hereafter belong to the said corporation; and shall have power and authority to take by deed from the said the Church Society of the Diocese of Huron, the said block of land, and to hold the same for the said corporation with power

to mortgage the same as security for money borrowed or to be borrowed for the purpose of erecting or completing the said Cathedral buildings.

Power as to
lands.

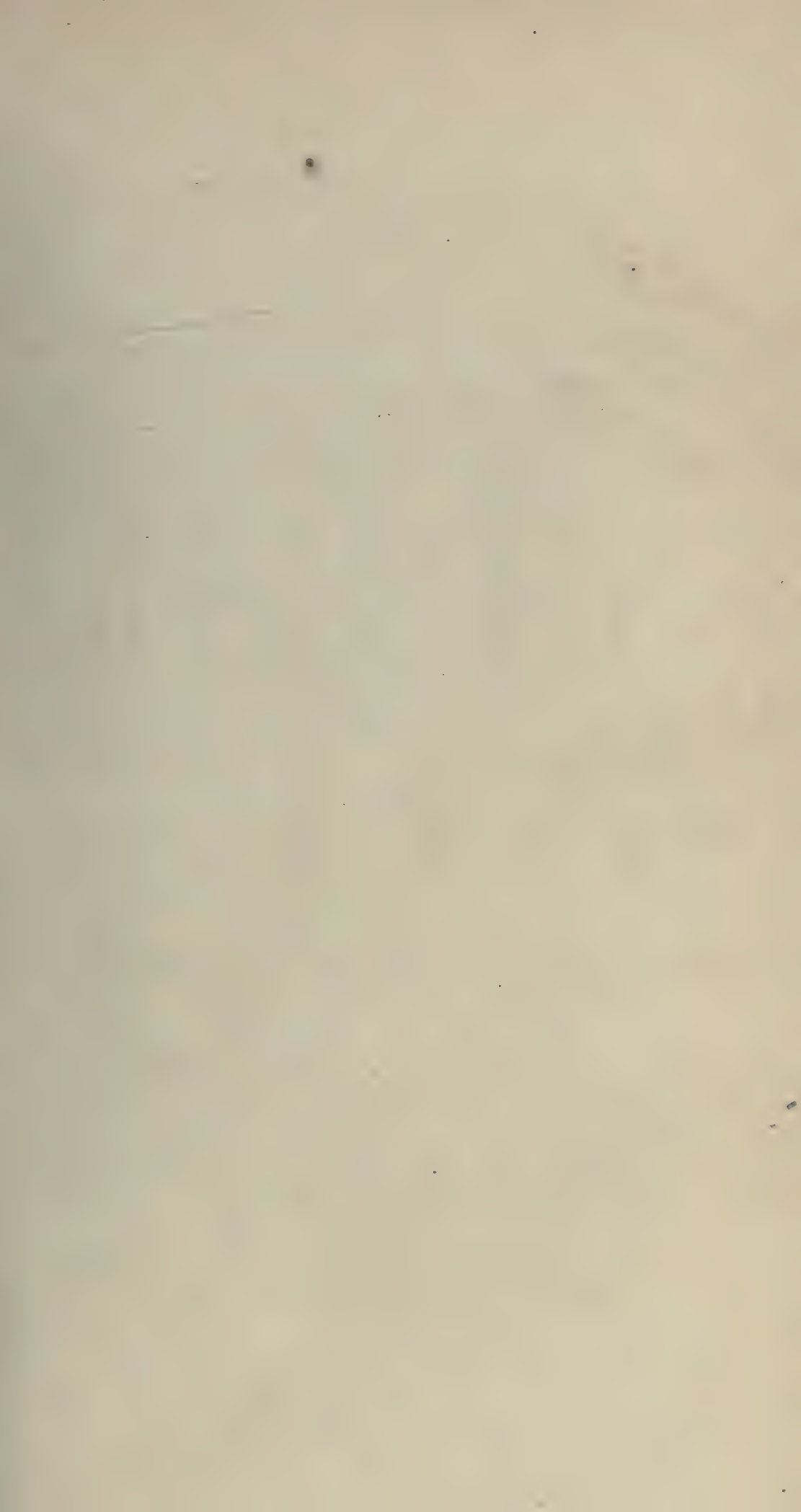
3. The body incorporated by this Act, may from time to time, and at all times, acquire and hold as purchasers any interest in lands and tenements, and the same alienate, lease, mortgage, and dispose of, and purchase others in their stead; provided always, and it is enacted, that the said corporation shall at no time acquire or hold as purchasers any lands or tenements, or interests therein, exceeding in whole at any one time the annual value of ten thousand dollars, nor otherwise than for their actual use or occupation, for the purposes of the said corporation; and it is further enacted that the said corporation may, by the name aforesaid, from time to time, take or hold by gift, devise or bequest, any lands or tenements, or interests therein, if such gift, devise or bequest be made at least six months before the death of the person making the same; but the said corporation shall at no time take or hold by any gift, devise or bequest, so as that the annual value of any lands or tenements or interests therein, so to be taken or held by gift, devise or bequest, shall at any one time in the whole exceed the annual value of one thousand dollars; and no lands or tenements, or interests therein acquired by gift, devise or bequest shall be held by the said corporation for a longer period than seven years after the acquisition thereof, and within such period, they shall respectively be absolutely disposed of, by the said corporation, so that it no longer retain any interest therein; and the proceeds on such disposition shall be invested in public securities, municipal debentures, or other approved securities, not including mortgages, for the use of the said corporation; and such lands, tenements or interests therein, or such thereof, which may not within the said period have been so disposed of, shall revert to the person from whom the same was acquired, his heirs, executors, administrators, or assigns.

Issue of
debentures.

4. The said corporation are hereby further authorized and empowered, so soon as the said block of land shall have been conveyed to, and vested in the corporation, and at any time thereafter to execute and issue debentures in currency or sterling to such an amount as may be necessary to defray the cost of the said Cathedral buildings, not exceeding in the whole fifty thousand dollars, and in such sums not less than one hundred dollars each, and at such rate of interest and redeemable at such times and places, as the governing body of the said corporation may determine.

Debentures to
be a charge on
the cathedral
lands and
buildings.

5. The debentures so issued as aforesaid without registration or formal conveyance shall be charges upon the said block of land and the buildings and edifices which now are or may hereafter be erected thereon, and also upon any policy or policies of insurance effected by the said corporation upon the said buildings, or any of them, and which shall be subsisting at any time during the currency of the said debentures; and each holder of any of the said debentures shall be deemed to be a mortgagee and incumbrancer *pro rata* with the other holders thereof upon the said block of land together with the said buildings and insurance; but subject nevertheless to any prior registered mortgage or other registered incumbrance on said block of land, created and registered prior to the issue of any such debentures.



BILL.

An Act to incorporate the Cathedral of the
Holy Trinity, of London.

First Reading, 11th February, 1874.

(*PRIVATE BILL.*)

MR. MEREDITH.

TORONTO:

PRINTED BY HUNTER, ROSE & CO.

An Act relating to Trinity Church, Cornwall.

WHEREAS, lots numbers nineteen, twenty and twenty-one on the north side of Second street, and lots numbers nineteen, twenty and twenty-one on the south side of Third street, in the Town of Cornwall, in the County of Stormont, and Province of Ontario are vested in the Reverend James Abraham Preston, the Incumbent of Trinity Church, in the Town of Cornwall, for the sole use and benefit of the parishioners and inhabitants of the said Town of Cornwall, being members of the Church of England as by-law established, for a church and burial ground, and the Reverend James A. Preston, Rector, and George Pringle and Edward Farlinger, churchwardens of said Church in pursuance of a resolution passed at a special vestry meeting duly convened and held on the twenty-third day of December, one thousand eight hundred and seventy-three, have petitioned for an act to enable them to mortgage said premises for the purpose of raising a sum not exceeding six thousand dollars in amount, to complete the new church now being erected thereon, and it is desirable to grant the prayer of the petition :

Therefore, Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. The Rector and churchwardens of the aforesaid Church and their successors as such, shall have power in their own names to mortgage the said lands vested in the said Rector as aforesaid, or a portion thereof, and the church now being erected thereon, and on said mortgage to borrow a sum of money not exceeding the sum of six thousand dollars, for the purpose of completing the said Church now in course of erection, and for furnishing the same, and for laying down walks and approaches to said church and for fencing said lands, and to secure the re-payment thereof, with interest at such rate and such time or times as may be agreed upon. Authority to mortgage churches,
2. It shall be lawful for the said Rector and churchwardens and their successors as such, having been first authorized by a resolution of the vestry of said Church, should occasion require, from time to time, and at all times hereafter to make new and further mortgages for the purpose of paying off any mortgage or mortgages then in existence upon the same property or any part thereof, upon such terms and at such times as the said Rector and churchwardens and their successors shall deem proper. and pay off mortgage by new mortgage.

3rd Session, 2nd Parliament, 37 Victoria, 1874.

BILL.

An Act relating to Trinity Church,
Cornwall.

First Reading, 11th February, 1874.

(*PRIVATE BILL.*)

Mr. SNEESINGER.

TORONTO:

PRINTED BY HUNTER, ROSE & CO.

An Act respecting "The Grand Junction Railway Company."

WHEREAS The Grand Junction Railway Company have Preamble.
by their petition prayed that all the Acts relating
to said company should be consolidated and amended and re-
duced into one Act; and Whereas it is expedient to grant the
5 prayer of said petition:

Therefore Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:—

1. All the rights, powers and privileges vested in the Grand
10 Junction Railway Company under the several statutes passed
by the Parliament of the late Province of Canada, by the Par-
liament of the Dominion of Canada, and by the Legislature of
the Province of Ontario, relating to said company, are hereby
declared to be vested in the shareholders of the said company,
15 under the name of "The Grand Junction Railway Company."

2. The Acts passed in the sixteenth year of the reign of Her
Majesty Queen Victoria, and chaptered forty-three, and the Act
passed the twenty-third year of the said reign, and chaptered
fifty-three, be and the same are hereby repealed, but any Act
20 or proceeding taken, done or had under any of said statutes
shall remain valid and binding as if the said Acts had not
been repealed.

16 V., c. 43, &
23 V., c. 3, re-
pealed.

3. All the several provisions of the Railway Act, 1868, shall
apply to the said company.

Railway Act
to apply.

25 4. All contracts made heretofore by or with the said company,
and all the rights and liabilities of the said company shall con-
tinue in all respects binding upon and in favour of the said
company.

Existing con-
tracts, &c., of
the company.

5. All purchases made, deeds taken, proceedings had, and
30 acts done in the location and construction of said railway, are
hereby confirmed, and in all respects shall be held and taken to
have been had and done under this Act.

Former pur-
chases and
debts.

6. The company may, where greater quantities of land are
required than those authorized by the said Railway Act 1868,
35 have the right under the provisions of said Railway Act to take
such lands as may be so required, but in no case shall this be
taken as authorizing the taking of extra lands except for the
actual use of said railway company for railway purposes.

Power to ac-
quire addition-
al lands.

7. The capital of such company is hereby declared to be one
40 million dollars, divided into shares of twenty dollars each.

Capital.

Directors.

8. The present directors of the said company, that is to say, Thomas Kelso, Abraham Diamond, Alexander Robertson, D. D. Bogart, J. S. Fowlds, E. J. Senkler, G. H. Boulter, James Brown, Henry Corby, the Honourable Robert Read, and M. 5
Bowell, shall continue in office and shall with the ex-officio directors hereinafter mentioned, be the directors of the said company until the next annual election to be holden under this Act, and until their successors be duly elected.

Gauge.

9. The said company shall have the right to build and complete the said railway with such gauge, on such line, and in such 10
manner as the directors of the said company may think best.

Annual meetings.

10. The annual general meeting of the company shall be held on the first Tuesday in February, or such other day as shall be from time to time fixed by by-law of the directors.

Notice of meetings.

11. Notice shall be given of the day, and place, and hour of 15
holding all special and general meetings of shareholders, by publishing the same four consecutive times in the *Ontario Gazette*, and two weeks in one or more daily or weekly newspapers published in the town of Belleville, and in the towns of Peterborough and Lindsay respectively, before the day of meeting. 20

Meetings where to be held.

12. The annual meeting shall be held in the town of Belleville; the directors may hold their meetings in the town of Belleville or such place as they from time to time may find most expedient, but the principal offices of the company shall be in the town of Belleville. 25

Quorum of, and number of directors.

13. Six directors shall form a quorum for the transaction of business, and the number of directors to be elected by the stockholders shall not exceed twelve.

Municipal director.

14. Where any municipality which has granted aid to the company, and in the by-law granting such aid has provided that 30
the head of such municipality shall be a director of the said company, the head for the time being of such municipality so having given such aid, shall be ex-officio a director of the said company, and shall have all the rights and powers of a director of said company. 35

Ex-officio directors.

15. Upon all matters the ex-officio directors of said company shall have the same rights and powers as directors elected by shareholders.

Arrangements with Grand Trunk Railway.

16. It shall be lawful for the said company and the Grand Trunk Railway of Canada to make arrangements for the use of 40
a part of the line of the said Grand Trunk Railway Company, at or near Belleville, and for station accommodation, and for such other purposes connected with the working of the traffic from one line to the other, as the said two companies may think for their mutual interest and the public convenience, and for 50
payment of compensation for the said accommodation, as they may agree upon.

Subscriptions for stock.

17. All subscriptions for stock, made before the passing of this Act, shall be taken and held as valid and binding, as if duly subscribed and taken under this Act; and all persons, at the 50

passing hereof, entered upon the stock-books of the company as shareholders in the said company, shall be held and taken to be shareholders of the said company, and liable as such.

18. All calls made and acts heretofore done, under the said Acts, in the first section of this Act, mentioned by the directors of the said company, are hereby confirmed, and the same shall, notwithstanding the passing of this Act, continue and be binding on all persons, and all calls hereinafter made shall be made under and in pursuance of the provisions of the Railway Act 1868.

Former Acts of directors confirmed.

19. No shareholder shall have the right to vote at the election of directors who has not before voting paid up all calls made upon the stock held by such shareholder.

Calls to be paid up before voting.

20. The several municipal Corporations along the line of the said proposed railway, and also any municipal corporation near to the said proposed line may grant to the said railway company such sum of money or debentures as may by the said municipal corporations respectively, be thought advisable in the way of bonus or donation, to aid in the construction or equipment of said railway, or for any of the works authorized under the charter of the said company to be undertaken; and it shall and may be lawful for the said company to accept of such bonus or donation, and to apply any such sums of money or the proceeds of such debentures, to the purpose for which the same were granted.

Aid from municipalities.

21. In case a majority of the persons rated on the last assessment roll as freeholders in any portion of the municipality, do petition the council of such municipality, the said petition to define the metes and bounds of the section of the municipality within which the property of the petitioners is situated, and expressing the desire of the said petitioners to aid in the construction of the said railway, by granting a bonus or donation to the said company for this purpose, and stating the amount which they so desire to give and grant, and to be assessed therefor, the council of such municipality shall pass a by-law: Provided the said by-law shall be approved of as in sections two hundred and twenty-six, two hundred and twenty-seven, and two hundred and twenty-eight of the Municipal Act of 1866, chapter fifty-one, by the majority of qualified electors voting in that portion of the municipality petitioning aforesaid;

If a portion of a municipality desire to aid the railway, council to pass by-law.

(1.) For raising the amount so petitioned for by the freeholders in such portion of the municipality, by the issue of debentures of the municipality, payable within twenty years, and for the payment to the said company of the amount of said bonus or donation at the time and on the terms specified in said petition;

To be approved by the electors.

For issuing debentures.

(2.) For assessing and levying upon all the ratable property lying within the section defined by said petition, an annual special rate sufficient to include a sinking fund for the repayment of said debentures, with the interest thereon, which municipal councils are hereby authorized to execute and issue in such cases respectively.

For assessing and levying a rate.

22. Whenever any municipality, or portion of a municipality, shall grant a bonus to aid the said company in the making,

Debentures to be held by trustees.

How trustees
to be appoint-
ed.

equipping and completion of the said railway, the debentures therefor, within six months after passing of the by-law authorizing the same, shall be delivered to three trustees to be named, one by the Lieutenant-Governor in Council, one by the said company, and one by the heads of the municipalities granting such bonuses, or the majority of them, who shall attend a meeting that purpose, to be held at such time and place as the said company may appoint for that purpose, notice of which shall be sent to each reeve, mayor or warden by mail at least fourteen days before the day appointed, all the trustees to be residents of Ontario; Provided that if the said Reeves, mayor or warden shall refuse or neglect to name such trustee, or if the Lieutenant-Governor in Council shall neglect or refuse to name such trustee within one month after notice in writing to him of the appointment of the other trustees, the company shall be at liberty to name such other trustee or other trustees.

Appointment
of new trust-
tees.

23. Any trustees appointed may be removed, and in such case, or in case of death or resignation, a new trustee may be appointed in his place at any time, with the consent respectively of the Lieutenant-Governor in Council, a majority of the said Reeves, mayor or warden, and the said company.

Trusts upon
which the de-
bentures are
to be held.

24. The said trustees shall receive the said debentures in trust; firstly, to convert the same into money; secondly, to deposit the amount realized from the sale of such debentures in some one or more of the chartered banks having an office in the Town of Belleville, in the name of the "Grand Junction Railway Municipal Trust Account," and to pay the same out to the said company, from time to time, on the certificate of the chief engineer of the said railway, in the form set out in the schedule "A" hereto, or to the like effect, setting out the portion of the railway to which the money to be paid out is applied, and the total amount expended on such portion to the date of the certificate, and such certificate to be attached to the cheque to be drawn by the said trustees.

Act of two
trustees to be
binding.

25. The act of any two of such trustees to be as valid and binding as if the three had agreed.

Assessment
not to be in-
creased.

26. Nothing contained in this Act shall authorize any increased rate to be assessed for the purposes thereof, beyond the rate limited in the Municipal Act of 1866.

Company may
take beach
lots.

27. It shall and may be lawful for the said company to take and appropriate for the use of the said railway, but not to alienate, so much of the wild land of the Crown, not heretofore granted or sold, lying on the route of the said railway, as may be necessary for the said road; as also, so much of the land covered with the waters of any river, stream, lake or canal, or of their respective beds, as may be found necessary for the making and completing or more conveniently using the same, and thereon to erect such wharves, quays, inclined planes, bridges, cranes, and other works as to the company shall seem meet: Provided always, that it shall not be lawful for the said company to cause any obstruction in or to impede the free navigation of any river, stream or canal to or across which their railway shall be carried and if the said railway shall be carried across any navigable river or canal, the said company shall leave such

Provision for
preventing
obstruction to
the navigation
of any river,
&c.

openings between the piers of their bridge or viaduct over the same, and shall construct such draw-bridge or swing-bridge over the channel of the river or canal, and shall be subject to such regulations with regard to the opening of such draw-bridge or swing-
 5 bridge, for the passage of vessels and rafts, as the Lieutenant-Governor in Council shall direct and make from time to time; nor shall it be lawful for the said company, to construct any wharf, bridge, pier or other work upon the public beach or bed of any navigable river or stream, or upon the lands covered with the
 10 waters thereof, until they shall have submitted the plan of such work to the Lieutenant-Governor in Council, nor until the same shall have been approved by him in Council as aforesaid.

28. The said company shall have power to become parties to promissory notes, and bills of exchange for sums not less than
 15 one hundred dollars, and any such promissory note, made or endorsed, and any such bill of exchange drawn, accepted or endorsed by the president of the Company, or vice-president, and countersigned by the secretary and treasurer, and under the authority of a majority of a quorum of the directors, is and shall
 20 be binding upon the said company; and every such promissory note or bill of exchange so made, drawn, accepted or endorsed by the president or the vice-president of the said company, and countersigned by the secretary and treasurer as such, either before or after the passing of this Act, shall be presumed to have
 25 been properly made, drawn and accepted or endorsed, as the case may be, for the company, until the contrary be shown; and in no case shall it be necessary to have the seal of the company affixed to any such bill of exchange or promissory note, nor shall the president, vice-president or the secretary and treasurer of the company so making, drawing, accepting or endorsing
 30 any such promissory note or bill of exchange, be thereby subjected individually to any liability whatever: Provided always, that nothing in this clause shall be construed to authorize the said company to issue any note payable to bearer, or any
 35 promissory note intended to be circulated as money or as the notes of a bank.

Company may be parties to promissory notes, &c.

Proviso.

29. All deeds and conveyances for lands to be conveyed to the said company for the purposes of this Act, shall and may, as far as the title to the said lands or the circumstances of the party
 40 making such conveyances will admit, be made in the form given in the schedule of this Act marked "B."; And for the purpose of a due registration of the same, all registrars, in their respective counties, are hereby required to procure a book with copies of the form given in the said schedule "B," one to be printed on each
 45 page, leaving the necessary blanks to suit the separate cases of conveyance, and in the said book to enter and register the said deed upon production thereof, and proof of execution, without any memorial, and to minute such entry on the said deed. And the said company are to pay the said registrars for so doing
 50 the sum of fifty cents and no more, which said registration shall be held and deemed to be valid in law; the provisions of any Act for the registration of deeds now in force in this Province, to the contrary notwithstanding.

Conveyances to the company to be in a certain form.

Fee to registrar.

SCHEDULE "A."

CHIEF ENGINEER'S CERTIFICATE.

The Grand Junction Railway Company's Office,
Engineer's Department, AD. 18

No.

*Certificate to be attached to cheques drawn on the Grand
Junction Railway Municipal Trust Account and given
under section of Cap. 37 Vic.*

I, _____, Chief Engineer for the Grand
Junction Railway, do hereby certify that there has been ex-
pended in construction of mile No. _____ the said mileage being
numbered consecutively from _____ the sum of _____
dollars to date, and that the total amount
due for the same from the said Municipal Trust Account
amounts to the sum of _____
dollars, which said sum of _____
dollars is now due and payable, as provided
under said Act.

SCHEDULE "B."

FORM OF CONVEYANCE.

Know all Men by these presents, that I, A. B., of
(here name the wife, if any) do hereby in consideration of
(here the sum) paid to me by the Grand Junction Railway
Company, the receipt whereof is hereby acknowledged, grant,
bargain, sell, convey and confirm unto the said The Grand
Junction Railway Company, their Successors and Assigns for
ever, all that certain tract or parcel of land situate (here describe
the land) the same having been selected and laid out by the
said Company for the purposes of their road, to have and to
hold the said land and premises, together with the heredita-
ments thereto, to the said The Grand Junction Railway Com-
pany, their Successors and Assigns for ever, (here, dower if
any.)

Witness my hand and seal, this _____ day of _____ one
thousand eight hundred and _____

L. S.

Signed, sealed and delivered
in presence of

3rd Session, 2nd Parliament, 37 Vic

BILL.

An Act respecting the Grand Jun
way Company.

First Reading, 12th February

(PRIVATE BILL.)

MR. C

TORONTO:

Printed by HUNTER, ROSE &

No. 56.]

BILL

[1874.

An Act respecting "The Grand Junction Railway Company."

WHEREAS, The Grand Junction Railway Company have Preamble.
by their petition prayed that all the Acts relating
to said company should be consolidated and amended and re-
duced into one Act; and whereas it is expedient to grant the
5 prayer of said petition :

Therefore Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows :

1. All the rights, powers and privileges intended to be vested
10 in the Grand Junction Railway Company under the several
statutes passed by the Parliament of the late Province of Canada,
by the Parliament of the Dominion of Canada, and by the Legis-
lature of the Province of Ontario, relating to said company, are
hereby declared to be vested in the shareholders of the said
15 company, under the name of "The Grand Junction Railway
Company."

Rights, powers
and privileges
conferred
under pre-
vious Acts
vested in G. J.
R. Co.

2. The Acts passed in the sixteenth year of the reign of Her
Majesty Queen Victoria, and chaptered forty-three, and the Act
passed the thirty-third year of the said reign, and chaptered
20 fifty-three, be and the same are hereby repealed, but any Act
or proceeding taken, done or had under any of said statutes
shall remain valid and binding as if the said Acts had not
been repealed.

16 V., c. 43, &
33 V., c. 53, re-
pealed.

3. All the several provisions of the Railway Act, being chap-
25 ter sixty-six of the Consolidated Statutes of the Province of
Canada, and amendments thereto, shall apply to the said
company.

Railway Act
to apply.

4. All contracts made heretofore by or with the said company,
and which are now legal and subsisting, and all the rights and
30 liabilities of and against the said company shall continue in all
respects binding upon and in favour of the said company, and
shall not be altered or affected by any provision of this Act.

Existing con-
tracts, &c., of
the company.

5. All purchases made, deeds taken, proceedings had, and
acts done in the location and construction of said railway by
35 the said company, shall be held and taken to have been had and
done under this Act.

Former pur-
chases and
debts.

6. The capital of such company is hereby declared to be one
million dollars, divided into shares of twenty dollars each.

Capital.

Directors.

7. The present directors of the said company, that is to say, Thomas Kelso, Abraham Diamond, Alexander Robertson, D. D. Bogart, J. S. Fowlds, E. J. Senkler, G. H. Boulter, James Brown, Henry Corby, the Honourable Robert Read, and M. 5
Bowell, shall continue in office and shall with the ex-officio directors hereinafter mentioned, be the directors of the said company until the next annual election to be holden under this Act, and until their successors be duly elected.

Gauge.

8. The said company shall have the right to build and complete the said railway with such gauge, on such line, and in such 10
manner as the directors of the said company may think best.

**Annual meet-
ings.**

9. The annual general meeting of the company shall be held on the first Tuesday in February, or such other day as shall be from time to time fixed by by-law of the directors.

**Notice of
meetings.**

10. Notice shall be given of the day, and place, and hour of 15
holding all special and general meetings of shareholders, by publishing the same four consecutive times in the *Ontario Gazette*, and two weeks in one or more daily or weekly newspapers published in the town of Belleville, and in the towns of Peterborough and Lindsay respectively, before the day of meet- 20
ing.

**Meetings
where to be
held.**

11. The annual meeting shall be held in the town of Belleville; the directors may hold their meetings in the town of Belleville or such place as they from time to time may find most expedient, but the principal offices of the company shall be in 25
the town of Belleville.

**Quorum of,
and number of
directors.**

12. Six directors shall form a quorum for the transaction of business, and the number of directors to be elected by the stock-
holders shall not exceed twelve.

**Municipal
director.**

13. Where any municipality which has granted aid to the 30
company, and in the by-law granting such aid has provided that the head of such municipality shall be a director of the said company; the head for the time being of such municipality so having given such aid, shall be ex-officio a director of the said company, and shall have all the rights and powers of a director 35
of said company, and every municipality which has subscribed stock to an amount of twenty thousand dollars or upwards shall be entitled, in manner provided by the Municipal Act, to one director.

**Ex-officio
directors.**

14. Upon all matters the ex-officio directors of said com- 40
pany shall have the same rights and powers as directors elected by shareholders.

**Arrangements
with Grand
Trunk Rail-
way.**

15. It shall be lawful for the said company and the Grand Trunk Railway of Canada to make arrangements for the use of a part of the line of the said Grand Trunk Railway Company, 45
at or near Belleville, and for station accommodation, and for such other purposes connected with the working of the traffic from one line to the other, as the said two companies may think for their mutual interest and the public convenience, and for payment of compensation for the said accommodation, as they 50
may agree upon.

16. All subscriptions for stock, made before the passing of this Act, and which at the time of the passing of this Act are valid and subsisting, shall be taken and held as if duly subscribed under this Act; and all persons and corporations who, at the time of the passing of this Act, are lawful shareholders in the said company, shall be held and taken to be shareholders of the said company under this Act.

Subscriptions
for stock.

17. All calls legally made and acts done, under the said Acts, in the first section of this Act, mentioned by the directors of the said company, are hereby continued, and the same shall, notwithstanding the passing of this Act, continue and be binding on all persons who are now liable therefor, and all calls hereinafter made shall be made under and in pursuance of the provisions of the Railway Act.

Former Acts of
directors con-
firmed.

18. No shareholder shall have the right to vote at the election of directors who has not before voting paid up all calls made upon the stock held by such shareholder.

Calls to be
paid up before
voting.

19. The several municipal Corporations along the line of the said proposed railway, and also any municipal corporation near to the said proposed line may grant to the said railway company such sum of money or debentures as may by the said municipal corporations respectively, be thought advisable in the way of bonus or donation, to aid in the construction or equipment of said railway, or for any of the works authorized under the charter of the said company to be undertaken; and it shall and may be lawful for the said company to accept of such bonus or donation, and to apply any such sums of money or the proceeds of such debentures, to the purpose for which the same were granted.

Aid from
municipalities.

20. The said company may receive from any Government, or from any persons or bodies corporate, municipal or politic, who may have power to make or grant the same, aid towards the construction, equipment or maintenance of the said railway, by way of bonus, gift or loan in money, or debentures, or other securities for money, or by way of guarantee, upon such terms and conditions as may be agreed upon.

Aid to com-
pany from Go-
vernment, &c.

21. Any municipal corporation, or any portion of a municipality, which may be interested in securing the construction of the said railway, or through any part of which, or near which the railway or works of the said company shall pass or be situated, may aid the said company by giving money or debentures, by way of bonus, gift or loan, or by the guarantee of the municipal corporation, under and subject to the provisions hereinafter contained, which are to be taken as applicable thereto, instead of sections four hundred and seventy-two, four hundred and seventy-three and four hundred and seventy-four of the Municipal Institutions Act: Provided always that no such aid shall be given, except after the passing of a by-law for the purpose, and the adoption of such by-law by the qualified ratepayers of the municipality or portion of municipality, (as the case may be,) as provided in the Municipal Act for the creation of debts.

Aid from mu-
nicipalities.

22. Such by-law shall be submitted by the municipal council to the vote of the ratepayers in manner following, namely:—

Manner of sub-
mitting by-law
to ratepayers.

1. The proper petition shall first be presented to the council, expressing the desire to aid the railway, and stating in what way and for what amount; and the council shall within six weeks after the receipt of such petition, by the clerk of the municipality, introduce a by-law to the effect petitioned for, and submit the same for the approval of the qualified voters;

2. In the case of a county municipality the petition shall be that of a majority of the reeves and deputy-reeves, or of twenty resident freeholders in each of the minor municipalities of the county, who are qualified voters under the Municipal Act;

3. In the case of other municipalities, the petition shall be that of a majority of the council thereof, or of twenty resident freeholders, being duly qualified voters as aforesaid;

4. In the case of two or more minor municipalities, or sections of two or more such municipalities, or of two or more such municipalities, with a section or sections of one or more minor municipalities forming part of a county municipality, the petition is to be presented to the county council, describing the portions to be grouped, and defining any section by metes and bounds, and shall be that of a majority of each of the councils of such minor municipalities respectively, or of twenty resident freeholders in each of the said minor municipalities or sections proposed to be grouped, being duly qualified voters as aforesaid.

Aid from portions of county municipalities.

Grouping of union municipalities.

Proceedings on opposing submission of by-law.

Arbitration

23. Where a portion of the county municipality petitions to aid the railway, it shall be such portion only as shall consist of two or more minor municipalities or sections thereof, through which the line of railway is to be constructed, or which will be benefited thereby, and such minor municipalities and sections thereof shall lie contiguous; but no minor municipality or section thereof, which is subject to a county or other by-law in aid of the same railway, shall be thus grouped without the consent of the majority of the duly qualified voters therein expressed to that end, when voting upon the proposed by-law.

24. In case of aid from a county municipality, or from a grouped portion thereof, twenty resident freeholders of the county or portion comprised in the proposed by-law (as the case may be) may petition the county council against submitting the said by-law, upon the ground that certain minor municipalities or portions thereof comprised in the said by-law would be injuriously affected thereby, or upon any other ground ought not to be included therein, and upon deposit by the petitioners with the treasurer of the county of a sum sufficient to defray the expenses of such reference, the said council shall forthwith refer the said petition to three arbitrators, one being the judge of the county court, one being the registrar of the county or of the riding in which the county town is situate, and one being an engineer appointed by the Commissioner of the Department of Public Works for Ontario, who shall have power to confirm or amend the said by-law by excluding any minor municipality or any section thereof therefrom; and the decision of any two of them shall be final, and the by-law so confirmed or amended shall thereupon, at the option of the railway company, be submitted by the council to the duly qualified voters, and in case the by-law is confirmed by the arbitrators, the expense of the reference shall be borne by the petitioners against the same, but if amended, then by the railway company or the county, as the arbitrators may order.

25. In the case of a portion of the county municipality being formed into a group, the by-law to be submitted shall be that of the county, but the rate to be levied for payment of the debentures issued thereunder, and the interest thereon, shall be assessed and levied upon such portions only of the county municipality, and the voting thereon shall be limited to the duly qualified voters in such portions only.

Rate to be levied only on the part of municipality granting bonus.

26. Before any such by-law is submitted, the railway company shall deposit with the Treasurer of the municipality a sum sufficient to pay the expenses to be incurred in submitting said by-law.

Company to make deposit for expenses.

27. The term "minor municipality" shall be construed to mean any town not separated from the municipal county, township, or incorporated village situate in the county municipality.

Interpretation of words "minor municipality."

28. No by-law shall be valid, or shall be submitted to such vote for granting aid to the railway which shall require the levying of a greater aggregate annual rate for all purposes, exclusive of school rates, than three cents in the dollar upon the value of the ratable property in each of the minor municipalities or section affected thereby, but for the purpose of such aid, the amount of the aggregate annual rate to be levied in any such municipality or section, may exceed the two cents in the dollar limited by the Municipal Act.

By-laws to be valid, though the annual rate exceed two cents in the dollar.

29. Such by-law shall in each instance provide:

Provisions of by-law.

1. For raising the amount petitioned for in the municipality or portions of the county municipality (as the case may be), mentioned in the petition, by the issue of debentures of the county or minor municipality respectively, and shall also provide for the delivery of the said debentures, or the application of the amount to be raised thereby, as may be expressed in the said by-law.

2. For assessing and levying upon all ratable property lying within the municipality or portions of the county municipality defined in said by-law (as the case may) an annual special rate sufficient to include a sinking fund for the repayment of the said debentures, within twenty years, with interest thereon, payable yearly or half-yearly, or by equal annual instalments, of principal and interest, which debentures the respective municipal councils, warden, reeves, and other officers thereof are hereby authorized to execute and issue in such cases respectively: Provided that in case the sum raised under the authority of such by-law, is invested in the capital stock or bonds of the railway company or loaned thereon, the council of the municipality holding such stock or bonds may sell and dispose of the same or any part thereof, and shall in such case apply the moneys received therefor in payment of the said debentures and interest.

30. In case the by-law submitted is not approved of, no other by-law, which is in substance the same shall be submitted to the voters of the same municipality or portion of the county municipality, until after the expiration of six months from such rejection.

If by-law defeated, limit of time for submitting similar one.

31. In case the by-law submitted be approved of or carried by a majority of the votes given thereon, then within four weeks after the date of such voting, the municipal council which sub-

If by-law carried, council to pass the same.

mitted the same, shall read the said by-law a third time and pass the same.

And issue the debentures.

32. Within one month after the passing of such a by-law, the said council, and the warden, reeve, or other officers thereof, shall issue or dispose of the debentures necessary to raise the sum mentioned in such by-law, and otherwise act according to the terms thereof. 5

Corporation may exchange their debentures for those of the townships.

33. The corporation of any county municipality shall be at liberty to take the debentures issued by any township in aid of the railway company, and give in exchange therefor to the said township a like amount of debentures of the said county, on a resolution to that effect being passed by the county council, but the township municipality shall in each case keep the county municipality fully indemnified against any rate or liability in respect of said debentures. 10 15

Trustee for municipal debentures.

34. Whenever any municipality or portion of a county municipality shall grant aid by way of bonus or gift to the railway company, the debentures therefor shall within six months after passing of the by-law authorizing the same, be delivered to three trustees to be named, one by the Lieutenant-Governor in Council, one by the said company, and one by the majority of the heads of the municipalities which have granted bonuses; all of the trustees to be residents of the Province of Ontario: Provided, that if the said council shall refuse or neglect to name such a trustee, or if the Lieutenant-Governor in Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustees, the company shall be at liberty to name such other trustee or other trustees; any of the said trustees may be removed and a new trustee appointed in his place at any time, by the Lieutenant-Governor in Council, with the consent of the company; and in case any trustee die, or resign his trust, or go to live out of Ontario, or otherwise become incapable to act, his trusteeship shall become vacant, and a new trustee may be appointed by the Lieutenant-Governor in Council, with the consent of said company. 20 25 30 35

Trusts on which debentures are to be held.

35. The said trustees shall receive the said debentures or bonds in trust; firstly, under the direction of the company, to convert the same into money; secondly, to deposit the amount realized from the sale in some of the chartered banks having an office in this Province, in the name of "The Grand Junction Railway Municipal Trust Account," and to pay the same out to the said company from time to time, on the certificate of the chief engineer of the said railway, in the form set out in schedule A hereto, or to the like effect setting out the portion of the railway to which the money to be paid out is to be applied, and that the sum so certified for, is in pursuance of the terms and conditions of the by-law; and such certificate is to be attached to the cheques to be drawn by the said trustees; and such engineer shall not wrongfully grant any such certificate under penalty of one hundred dollars, recoverable in any county court by any person who may sue therefor. 40 45 50

Trustees' fees—Act of two to govern.

36. The trustees shall be entitled to their reasonable fees and charges from said trust fund; and the act of any two of

such trustees to be as valid and binding as if the three had agreed.

- 37.** Any municipality through which the said railway may pass is empowered to grant by way of gift to the said company any lands belonging to such municipality, which may be required for right of way, station grounds, or other purposes connected with the running or traffic of the said railway; and the said railway company shall have power to accept gifts of land from any Government or any person or body politic or corporate, and shall have power to sell or otherwise dispose of the same for the benefit of the said company
- Company may receive gifts of lands.

- 38.** It shall further be lawful for the council of any municipality in which any part of the railway of the company is situated, by by-law specially passed for that purpose, to exempt the said company and its property, within such municipality, either in whole or in part, from municipal assessment or taxation, or to agree to a certain sum per annum or otherwise, in gross, or by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years, and any such by-law shall not be repealed unless in conformity with a condition contained therein.
- Municipalities may exempt Company from taxation.

- 39.** It shall and may be lawful for the council of any municipality that may grant a bonus to the company, and they shall have full power to extend the time for completion of the works, on the completion of which the said company would be entitled to such bonuses.
- Council may extend time.

- 40.** It shall be lawful for the council of any township or county municipality interested in the said extension branches or any of them, and without complying with the requirements of any Act providing for the creation of debts by municipal corporations on behalf of such township or county municipalities, to bear all or part of the costs, charges, and expenses of, and incidental to, the submission of any by-law to the said qualified voters for granting a bonus to the said company, or may give the said company a bonus on account of such costs, charges and expenses; provided always that no one such bonus shall exceed five thousand dollars.
- Councils may contribute towards preliminary expenses.

- 41.** Whenever any municipality or portion of a municipality shall aid, loan, guarantee, or give money or bonds by way of bonus to aid the making, equipment, and completion of said extension and branches, or any part or parts thereof, it shall be lawful for the said company to enter into a valid agreement with any such municipality binding the said company to expend the whole of such aid so given upon works of construction, within the limits of the municipality granting the same.
- Municipalities may agree as to application of bonus.

- 42.** The said company shall have power to become parties to promissory notes, and bills of exchange for sums not less than one hundred dollars, and any such promissory note, made or endorsed, and any such bill of exchange drawn, accepted or endorsed by the president of the Company, or vice-president, and countersigned by the secretary and treasurer, and under the
- Company may be parties to promissory notes, &c.

authority of a majority of a quorum of the directors, is and shall be binding upon the said company; and every such promissory note or bill of exchange so made, drawn, accepted or endorsed by the president or the vice-president of the said company, and countersigned by the secretary and treasurer as such, either before or after the passing of this Act, shall be presumed to have been properly made, drawn and accepted or endorsed, as the case may be, for the company, until the contrary be shown; and in no case shall it be necessary to have the seal of the company affixed to any such bill of exchange or promissory note, nor shall the president, vice-president or the secretary and treasurer of the company so making, drawing, accepting or endorsing any such promissory note or bill of exchange, be thereby subjected individually to any liability whatever: Provided always, that nothing in this clause shall be construed to authorize the said company to issue any note payable to bearer, or any promissory note intended to be circulated as money or as the notes of a bank.

Proviso.

Conveyances to the company to be a certain form.

Fee to registrar.

43. All deeds and conveyances for lands to be conveyed to the said company for the purposes of this Act, shall and may, as far as the title to the said lands or the circumstances of the party making such conveyances will admit, be made in the form given in the schedule of this Act marked "B."; And for the purpose of a due registration of the same, all registrars, in their respective counties, are hereby required to procure a book with copies of the form given in the said schedule "B," one to be printed on each page, leaving the necessary blanks to suit the separate cases of conveyance, and in the said book to enter and register the said deed upon production thereof, and proof of execution, without any memorial, and to minute such entry on the said deed. And the said company are to pay the said registrars for so doing the sum of fifty cents and no more, which said registration shall be held and deemed to be valid in law; the provisions of any Act for the registration of deeds now in force in this Province, to the contrary notwithstanding.

SCHEDULE A.

CHIEF ENGINEER'S CERTIFICATE.

THE GRAND JUNCTION RAILWAY COMPANY'S OFFICE,

Engineer's Department, AD. 18

No.

Certificate to be attached to cheques drawn on The Grand Junction Railway Municipal Trust Account.

I, _____, Chief Engineer for The Grand Junction Railway Company, do hereby certify that the sum of \$ _____ is required to be expended in the construction of the portion of the line extending from mile No. _____ to mile No. _____, and that payment should be made to the company of such amount from the Municipal Trust Account, the same being in pursuance of the terms and conditions of the by-law of the Municipality of the _____ of _____

SCHEDULE B.

FORM OF CONVEYANCE.

Know all Men by these presents, that I, A. B., of
(here name the wife, if any) do hereby in consideration of
(here the sum) paid to me by the Grand Junction Railway
 Company, the receipt whereof is hereby acknowledged, grant,
 bargain, sell, convey and confirm unto the said The Grand
 Junction Railway Company, their Successors and Assigns for
 ever, all that certain tract or parcel of land situate *(here describe*
the land) the same having been selected and laid out by the
 said Company for the purposes of their road, to have and to
 hold the said land and premises, together with the heredita-
 ments thereto, to the said The Grand Junction Railway Com-
 pany, their Successors and Assigns for ever, *(here, dower if*
any.)

Witness my hand and seal, this day of one
 thousand eight hundred and

L. S.

Signed, sealed and delivered
 in presence of
 2-56

No. 56.

3rd Session, 2nd Parliament, 37 Victoria, 1874.

BILL.

An Act respecting the Grand Junction Railway Company.

(Reprinted as amended.)

1st Reading, 12th February, 1874.

2nd Reading, 12th March, 1874.

(PRIVATE BILL.)

MR. GRABAM.

TORONTO:

Printed by HUNTER, ROSE & Co.

An Act to incorporate the Huron and Quebec Railway Company.

WHEREAS the construction of a railway from the town and harbour of Goodrich, on Lake Huron, through the Counties of Huron, Perth, Wellington, Simcoe, York, Ontario, Victoria and Peterborough, to connect with the Ontario and Quebec Railway, with power to build a branch to the town of Sarnia, and also a branch from some point on the main line to the village of Fergus and Elora and the town of Guelph, has become desirable for the development of the resources of that portion of the Province of Ontario to be traversed by the said railway, and the establishment of the most direct and shortest route from the west to the seaboard, and the public convenience and accommodation of the inhabitants of the said portion of the said Province :

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Malcolm Colin Cameron, Horace Horton, Archibald Bishop, Thomas Mayne Daly, David Drummond Hay, Robert McKim, Maitland McCarthy, Erastus Jackson, the Honourable Peter Gow, John Leckie, Joseph Gould, George Kempt, George Dormer, Elias Barnham, James Stevenson, John Fowler, William John Fowler, and John Henry Dumble, together with such persons and corporations as shall in pursuance of this Act, become shareholders in the said company hereby incorporated, are hereby constituted and declared to be a body corporate and politic by the name of "The Huron and Quebec Railway Company."

Preamble.

Certain persons incorporated.

Corporate name.

2. The several clauses of the Railway Act of the Consolidated Statutes of Canada and amendments thereto, and also the several clauses thereof with respect to "interpretation," "incorporation," "powers," "plans and surveys," "lands and their valuation," "highways and bridges," "fences," "tolls," "general meetings," "president and directors," "their election and duties," "calls," "shares and their transfer," "municipalities," "shareholders," "actions for indemnity and fines and penalties, and their prosecution," "by-laws, notices, &c.," "working of the railway," and "general provisions," shall be incorporated with and deemed to be a part of this Act, and shall apply to the said company and to the railway to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof; and the expression, "this Act," when used herein shall be understood to include the clauses of the said Railway Act so incorporated with this Act.

Certain clauses of the Railway Act to apply.

Interpretation of the words "this Act."

3. The said company shall have full power under this Act to construct a railway from any point at or near the harbour of

Location of railway.

Goderich, on Lake Huron, through the counties of Huron, Perth, Wellington, Simcoe, York, Ontario, Victoria and Peterborough, to connect with the Ontario and Quebec Railway, with power to build a branch to the town of Sarnia, and also a branch from some point on the main line to the villages of 5 Fergus and Elora and the town of Guelph.

Gauge to be four feet eight and a half in.

4. The said railway shall be of the gauge of four feet and eight and one half inches.

Company may effect certain arrangements as to junction and amalgamation with other roads.

5. The said company may effect a junction, unite, amalgamate, purchase, lease, and make running arrangements with 10 any other railway adjoining or crossing the line hereby authorized to be constructed, and may transfer, assign, or lease their railway or any part thereof and the rights and powers acquired under this Act, and the surveys, plans, work, plant, stock and other effects belonging thereto, to any other railway or other 15 incorporated company, person or persons, or corporation upon such terms and conditions, and with such restrictions as the directors may deem expedient.

Form of conveyances to the company.

6. Conveyances of lands to the said company for the purposes of and powers given by this Act, may be in the form set out in 20 the schedule "A" hereunder written, or the like effect, shall be sufficient conveyance to the said company, their successors and assigns of the estate, or interest, and sufficient bar of dower respectively of all persons executing the same, and such conveyances shall be registered in such manner and upon such proof 25 of execution as is required under the Registry Laws of Ontario, and no Registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicate thereof. 30

Registration.

7. The said provisional directors until others shall be named as hereinafter provided, shall constitute the board of directors of the company, with power to fill vacancies occurring thereon; to associate with themselves thereon, not more than three other persons, who upon being so named shall become and be directors 35 of the company equally with themselves; to open stock books, and procure subscriptions of stock for the undertaking; to make a call upon the shares subscribed therein; to call a meeting of the subscribers thereto for the election of other directors as hereinafter provided, and with all such other powers as under 40 the Railway Act are vested in such boards. The said directors or a majority of them, or the board of directors to be elected as hereinafter mentioned, may in their discretion exclude any person from subscribing who, in their judgment would hinder, delay or prevent the company from proceeding with, and completing 45 their undertaking under the provisions of this Act; and if at any time more than the whole stock shall have been subscribed, the said provisional directors or board of directors shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of 50 the undertaking; and, in such allocation, the said directors may in their discretion exclude any one or more of the said subscribers if, in their judgment, this will best secure the building of the said railway.

Provisional directors.

Directors may exclude certain persons from subscribing to stock.

8. The said provisional directors until others shall be named as hereinafter provided, shall constitute the board of directors of the company, with power to fill vacancies occurring thereon; to associate with themselves thereon, not more than three other persons, who upon being so named shall become and be directors 35 of the company equally with themselves; to open stock books, and procure subscriptions of stock for the undertaking; to make a call upon the shares subscribed therein; to call a meeting of the subscribers thereto for the election of other directors as hereinafter provided, and with all such other powers as under 40 the Railway Act are vested in such boards. The said directors or a majority of them, or the board of directors to be elected as hereinafter mentioned, may in their discretion exclude any person from subscribing who, in their judgment would hinder, delay or prevent the company from proceeding with, and completing 45 their undertaking under the provisions of this Act; and if at any time more than the whole stock shall have been subscribed, the said provisional directors or board of directors shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of 50 the undertaking; and, in such allocation, the said directors may in their discretion exclude any one or more of the said subscribers if, in their judgment, this will best secure the building of the said railway.

8. The capital of the company hereby incorporated shall be three hundred thousand dollars (with power to increase the same in the manner provided by the Railway Act), to be divided into three thousand shares of one hundred dollars each, and shall be raised by the persons and corporations who may become shareholders in such company; and the money so raised shall be applied in the first place to the payment and discharge of all fees, expenses and disbursements for procuring the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized; and all the remainder of such money shall be applied to the making, equipment and completion of the said railway, and the other purposes of this Act; and until such preliminary expenses shall be paid out of the said capital stock, the municipality of any city, county, town, township or village on the line of such works may pay out of the general funds of such municipality its fair proportion of such preliminary expenses, which shall hereafter if such municipality shall so require, be refunded to such municipality from the capital stock of the company, or be allowed to it in payment of stock.

Capital stock.

Preliminary expenses.

9. On the subscription for shares of the said capital stock each subscriber shall pay ten per centum of the amount subscribed by him into some chartered bank to be designated by the directors, to the credit of the said company.

Ten per cent. of the stock to be paid up.

10. Thereafter calls may be made by the directors for the time being, as they shall see fit, provided that no call shall be made at any one time of more than ten per centum of the amount subscribed by each subscriber and at intervals of not less than thirty days.

Future calls.

11. The said provisional directors or the elected directors may pay or agree to pay, in paid up stock or in the bonds of the said company such sums as they may deem expedient to engineers or contractors, or for right of way, or material, plant, or rolling stock, and also for the services of the promoters or other persons who may be employed by the directors for the purpose of assisting the directors in the furtherance of the undertaking or purchase of right of way, material, plant, or rolling stock, whether such promoters or other persons be provisional or elected directors or not, and any agreement so made shall be binding on the company.

Directors may make certain payments in paid up stock or in bonds.

12. As soon as shares to the amount of one hundred thousand dollars of the capital stock of the said company shall have been subscribed, and ten per centum thereof paid into some chartered bank having an office in the Town of Goderich, which shall on no account be withdrawn therefrom unless for the service of the company, the directors shall call a general meeting of the subscribers to the said capital stock, who shall have so paid up ten per centum thereof for the purpose of electing directors to the said company.

General meeting for the election of directors.

13. It shall be lawful for the provisional or elected directors to accept payment in full for stock from any subscriber thereof, at the time of subscription thereof, or at any time before the making of a final call thereon, and to allow such percentage or discount thereon as they may deem expedient and reason-

Directors may accept payment in full of stock.

able, and thereupon to issue to each subscriber scrip to the full amount of such stock subscribed.

How meeting⁹
may be called
if provisional
directors neg-
lect to call the
same.

14. In case the provisional directors neglect to call such meeting for the space of three months after such amount of the capital stock shall have been subscribed, and ten per centum thereof so paid up, the same may be called by any five of the subscribers who shall have so paid up ten per centum, and who are subscribers among them for not less than one thousand dollars of the said capital stock, and who have paid up all calls thereon. 5 10

Notice of gene-
ral meeting.

15. In either case notice of the time and place of holding such general meeting shall be given in the *Ontario Gazette*, and in one local newspaper published at Goderich and Peterborough, once in each week, for the space of at least two weeks, and such meeting shall be held at the Town of Goderich, at such place therein and on such day as may be named by such notice: At such general meeting the subscribers for the capital stock assembled who shall have so paid ten per centum thereof, with such proxies as may be present shall choose nine persons to be the directors of the said company, and may also make or pass such rules and regulations and by-laws as may be deemed expedient, provided they be not inconsistent with this Act. 15 20

Annual meet-
ings.

16. Thereafter the general annual meeting of the shareholders of the said company shall be held in such place, and on such days and on such hours as may be directed by the by-laws of the said company, and public notice thereof shall be given at least two weeks previously in the *Ontario Gazette*, and in one local newspaper published at Goderich and Peterborough once in each week. 25

Special gene-
ral meetings.

17. Special general meetings of the shareholders of the said company may be held at such places, and at such times, and in such manner, and for such purposes as may be provided by the by-laws of the said company. 30

Scale of votes.

18. Every shareholder of one or more shares of the said capital stock shall, at any general meeting of the shareholders, be entitled to one vote for every share held by him, provided that no one shareholder shall be entitled to more than fifty votes at any meeting, notwithstanding the amount of shares held by him; and no shareholder shall be entitled to vote on any matter whatever unless all calls due on the stock upon which such shareholder seeks to vote shall have been paid up at least one week before the day appointed for such meeting. 35 40

Corporations,
how represent-
ed at meetings.

19. At all meetings of the company the stock held by municipal and other corporations may be represented by such person as they shall respectively have appointed in that behalf by law; and such person shall at such meeting be entitled equally with other shareholders to vote by proxy. 45

Qualification
of directors.

20. No person shall be qualified to be elected as such director by the shareholders unless he be a shareholder holding at least ten shares of stock in the company, and unless he has paid up all calls due thereon. 50

21. Any meeting of the directors of the said company regularly summoned, at which not less than five directors shall be present, shall be competent to exercise and use all and every of the powers hereby invested in the said directors. Quorum of directors.

5 **22.** And it shall further be lawful for any municipality or municipalities, or any county municipality, or any portion of any such municipality or municipalities, or county municipality which may be interested in securing the construction of the said railway, or through any part of which, or near which the railway
10 or works of the said company shall pass or be situated, to aid and assist the said company by loaning or guaranteeing, or giving money by way of bonus, or other means to the company, or issuing municipal bonds to or in aid of the company, and otherwise in such manner and to such extent as such municipi-
15 palities or any of them shall think expedient: Provided always that no such aid, loan, bonus, or guarantee shall be given except after the passing of by-laws for the purpose, and the adoption of such by-laws by the rate-payers as provided in the Municipal Act for the creation of debts. Municipalities may aid by bonus.

20 **23.** In case fifty persons, at least, rated on the last revised assessment roll of any municipality as freeholders, who may be qualified voters under the Municipal Act, do petition the council of such municipality, and in such petition expressing the desire of the said petitioners to aid in the construction of the said
25 railway, by giving a bonus to the said company, and stating the amount which they so desire to grant and be assessed for, the council of such municipality shall within six weeks after the receipt of such petition, introduce a by-law, and submit the same to the vote of the qualified voters; and in case aid is
30 desired from any portion of a township municipality, if at least fifty of the persons who are qualified voters as aforesaid in any portion of the said township municipality, do petition the council of such municipality to pass a by-law in such petition defining the metes and bounds within which the property of the
35 petitioners is situate, and expressing the desire of the said petitioners to aid in the construction of the said railway, by granting a bonus to the said company, and stating the amount which they so desire to grant and be assessed for, the council of such municipality shall within six weeks after the receipt of such
40 petition, introduce the requisite by-law, and submit the same to the approval of the qualified voters of the said portion of such municipality; and in case aid is desired from any county municipality, upon the petition of at least fifty persons who are qualified voters in each such county municipality; and in case
45 aid is desired from any portion of a county municipality, upon the petition of at least twenty persons qualified voters from each minor municipality, or the portion thereof to be affected by the by-law as the case may be, or upon the petition of the majority of the reeves and deputy reeves of such county municipality as
50 reside in the said portion from which aid is desired; and in case of a portion of a county, do in such petition define the municipality or municipalities within such county municipality, and the metes and bounds of the portion or portions of the municipality or municipalities forming the portion of the county municipality
55 that may be asked to grant aid, and in either case in such petition expressing the desire of the said petitioners to aid in the construction of the said railway by granting a bonus to the said

Aid from municipalities.

company, and stating the amount which they desire to grant and be assessed for, the council of the county municipality shall, within six weeks after the receipt of such petition, introduce the requisite by-law and submit the same to the vote of the qualified voters of the county or of the portion of the county defined in the said petition, as the case may be, in the same manner and to the same effect as if they had introduced the same of their own motion; and upon any such petition being presented to the warden or other head of any county, or the reeve, mayor, or other head of any other municipality, he shall forthwith a call a meeting of the council of such municipality to be held within four weeks thereafter, for the purpose of introducing such by-law, and submitting the same to the vote of the qualified voters.

Aid from
minor municipi-
palities.

24. The said aid and assistance by the loaning or guarantee-
ing, or giving of money by way of bonus or other means, or
the issuing of municipal bonds for the purposes and in the
manner set out in this Act, may be given to the said company
by any portion of a county municipality, whether the metes
and bounds of such portion of a county municipality as set
forth in the by-law for granting such aid, be the metes and
bounds of minor municipalities, or be so defined as to comprise
a minor municipality, or minor municipalities and portions of
minor municipalities, or to comprise only portions of minor
municipalities, and in case of a portion of a minor municipality
granting such aid, then the debentures to be issued shall be
those of such minor municipality, and in case of portions of a
county municipality as aforesaid, then such debentures shall be
those of the county municipality.

Interpretation
of the words
"minor municipi-
palities."

25. It is declared that the words "minor municipality" herein, mean and are to be read and construed as "Town, Village or Township."

Council may
submit by-law
without peti-
tion.

26. The proper council may under this act, of their own motion and without any previous petition therefor, submit the requisite by-law in that behalf for the approval of the qualified voters of the municipality, or portion of the municipality to be affected thereby.

By-law to be
passed by the
council.

27. In case such by-law be approved or carried by the majority of the votes given thereon, then within one month after the date of such voting, the said council shall read the said by-law a third time and pass the same.

Council to
issue debentures.

28. Within one month after the passing of such by-law the said council, and the warden, mayor, reeve, or other head thereof, and the other officers thereof, shall issue the debentures for the bonus thereby granted, and deliver the same to the trustees appointed or to be appointed under this Act.

Application
of bonus
granted by a
portion of a
municipality.

29. In case any bonus be so granted by a portion of a municipality or county municipality, the rate to be levied for payment of the debentures issued therefor, and the interest thereon, shall be assessed and levied upon such portion only of the municipality or county municipality.

Appropriation
of aid granted

30. Whenever any municipality or portion of a municipality other than a county municipality shall grant a bonus to aid the

making, equipment and completion of said railway, it shall be lawful for said company to enter into a valid agreement with such municipality, binding the said company to expend the whole or part of such bonus upon works of construction within the limits of the municipality granting the same, and that any iron for said railway purchased pursuant to such agreement, or paid for by means of the bonus granted by any municipality shall not be used for any other purpose than the laying down on the line of the Huron and Quebec Railway, and that such iron shall not be liable to seizure under execution against the goods of the said railway company.

31. The provisions of the Municipal Act so far as the same are not inconsistent with this Act, shall apply to any by-law so passed by or for a portion of a municipality or county municipality, to the same extent as if the same had been passed by or for the whole municipality or county municipality.

32. All by-laws to be submitted to such vote for granting bonuses to the said company, shall be valid, although the amount of the annual rate to be levied in pursuance thereof shall exceed two cents in the dollar.

33. Any municipality which shall grant a bonus of not less than thirty thousand dollars in aid of the said company, shall be entitled to name a director in the said company, as the representative of such municipality, and such directors shall be in addition to all shareholders directors in the said company, and shall not require to be a shareholder in the company, and shall continue in office as a director in the said company until his successor shall be appointed by the municipality which he represents.

34. It shall further be lawful for the corporation of any municipality through any part of which the railway of the said company passes or is situate, by by-law especially passed for that purpose, to exempt the said company and its property within such municipality, either in whole or in part from municipal assessment or taxation, or to agree to a certain sum per annum or otherwise in gross or by way of commutation or composition for payment; or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years.

35. Whenever any municipality shall grant a bonus to aid the said company in the making, equipping and completion of the said railway, the debentures therefor shall within six weeks after the passing of the by-law authorizing the same, be delivered to three trustees, namely, Horace Horton, George Kempt, and one to be named by the Lieutenant-Governor in Council: provided that if the Lieutenant-Governor in Council shall refuse or neglect to name such trustee within one month after notice in writing to him requiring him to appoint such trustee, the said Company shall be at liberty to name one in the place of the one to have been named by the said Lieutenant-Governor in Council.

36. Any of the said trustees may be removed, and a new trustee appointed in his place at any time, by the Lieutenant-

by municipalities.

Municipal Act to apply to by-laws.

By-laws to be valid, though the annual rate exceed two cents in the dollar.

Certain municipalities aiding may appoint a director.

Exemption of company from taxation.

Trustees of debentures.

Appointment of new trustees

Governor in Council, with the consent of the said Company; and in case any trustee die or resign his trust, or go to live out of Ontario, or otherwise become incapable to act, his trusteeship shall become vacant, and a new trustee may be appointed by the Lieutenant-Governor in Council, with the consent of said company. 5

37. The act of any two such trustees shall be as valid and binding as if the three had agreed.

38. The said trustees shall receive the said debentures in trust: first to convert the same into money; second to deposit the amount realized from the sale of such debentures in some chartered bank, having an office in the town of Goderich, in the name of the "Huron and Quebec Railway Municipal Trust Account," and to pay the same out to the said corporation from time to time, on the certificate of the chief engineer of the said railway, in the form set out in schedule "B" hereto, or to the like effect, setting out the portion of the railway to which the money to be paid out is to be applied, and the total amount to be expended on such portion to the date of the certificate, and that the sum so certified does not exceed the *pro rata* amount per mile for the length of the road or portion of the road to be applied on the work so done, and such certificates to be attached to the cheques to be drawn by the said trustees, and the wrongfully granting any such certificate by such engineer, shall be punishable by a fine of not less than one hundred dollars, recoverable in any court of competent jurisdiction in the Province of Ontario. 10 15 20 25

39. Any county in which is or are situated a township or townships or portion of a township that shall grant a bonus or bonuses in aid of the said company, shall be at liberty to take the debentures issued by such township or townships or portion of a township, and in exchange therefor to hand over to the trustees under this Act the debentures of the county on a resolution being passed to that effect by a majority of the county council. 25 30

40. The directors of the said company after the sanction of the shareholders shall have been first obtained at any special general meeting to be called from time to time for such purpose, shall have power to issue bonds to any amount not exceeding fifteen thousand dollars per mile of railway, to be signed by the president or vice-president of the said company, and countersigned by the secretary and treasurer, and under the seal of the said company, for the purpose of raising money for prosecuting the said undertaking; and such bonds shall without registration or formal conveyance be taken and considered to be first and preferential claims and charges upon the said undertaking and the property of the company real and personal then existing, and at any time thereafter acquired; and each holder of the said bonds shall be deemed to be a mortgagee and incumbrancer *pro rata* with all the other holders thereof upon the undertaking, and the property of the company as aforesaid: And provided also further that in the event at any time of the interest upon the said bonds remaining unpaid and owing, then at the next ensuing general annual meeting of the said company, all holders of bonds shall have and possess the same rights and privi- 35 40 45 50

leges and qualifications for directors and for voting as are attached to shareholders, provided that the bonds and any transfers thereof shall have been first registered in the same manner as is provided for the registration of shares; and it shall be the duty of the secretary of the company to register the same on being required to do so by any holder thereof.

41. The said company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars, and any such promissory note made or endorsed by the president or vice-president of the company, and countersigned by the secretary and treasurer of the said company, and under the authority of a quorum of the directors, shall be binding on the said company; and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority, until the contrary be shewn; and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange, nor shall the president or vice-president, or secretary and treasurer, be individually responsible for the same unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors, as herein provided and enacted: Provided however, that nothing in this section shall be construed to authorize the said company to issue any note or bill of exchange payable to bearer, or intended to be circulated as money, or as the notes or bills of a bank.

Company may make promissory notes, &c.

but not to be circulated as money,

42. Where stone, gravel, or any other material is or are required for the construction or maintenance of said railway, or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same are situate, for the purchase thereof, cause a provincial land surveyor to make a map and description of the property so required, and they shall serve a copy thereof with their notice of arbitration, as in case of acquiring the roadway, and the notice of arbitration, the award, and the tender of the compensation shall have the same effect as in the case of arbitration for the roadway; and all the provisions of the Railway Act as varied and modified by the special Acts relating to the said company as to the service of the said notice, arbitration, compensation, deeds, payment of money in Court, the right to sell, the right to convey, and the parties from whom lands may be taken or who may sell, shall apply to the subject matter of this section, and to the obtaining materials as aforesaid: and such proceedings may be had by the said company either for the right to the fee simple in the land from which the said material shall be taken, or for the right to take material for any time they shall think necessary; the notice of arbitration, in case arbitration is resorted to, to state the interest required.

Acquiring lands for gravel pits, &c.

43. When the said gravel, stone, or other materials shall be taken under the preceding section of this Act at a distance from the line of the railway, the company may lay down the necessary siding and tracks over any lands which may intervene between the railway and the lands on which said material shall be found, whatever the distance may be, and all the provisions of the Railway Act and of the special Acts relating to said company's Act, except such as relate to filing plans and publi-

Laying tracks to gravel pits, &c.

cation of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated ; and such right may be so acquired for a term of years or permanently, as the company may think proper ; and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed for the purpose of repairing and maintaining the said railway. 5

Powers as to
lands for sta-
tions, etc.

44. Whenever it shall be necessary for the purpose of procuring sufficient lands for stations or gravel pits, or for constructing, maintaining and using the said railway, and in case by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price, or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use or enjoy such lands, and also the right of way thereto, if the same be separated from their railway, and to sell and convey the same or part thereof from time to time as they may deem expedient. 10 15

Commence-
ment and com-
pletion of
Railway.

45. The said railway shall be commenced within two years and completed within ten years after the passing of this Act, and in default thereof, the powers hereby conferred shall absolutely cease with respect to so much of the railway as then remains incomplete. 20

Municipalities
may subscribe
for stock.

46. Nothing in this Act shall prevent any municipality from subscribing for stock of the company pursuant to the Railway Act or Municipal Act. 25

Telegraph
lines.

47. For the purpose of constructing, working and protecting the telegraph lines constructed by the company under this Act on their line of railway, the powers conferred on telegraph companies by the Act respecting Electric Telegraph Companies are hereby conferred upon the company, and the other provisions of the said Act for the working and protection of telegraph lines shall apply to any such telegraph lines constructed by the company. 30 35

SCHEDULE "A."

(See section 6.)

Know all men by these presents, that I (or we) (*insert the name or names of the vendor or vendors*) in consideration of dollars paid to me (or us) by the Huron and Quebec Railway Company, the receipt whereof is hereby acknowledged, do grant and convey, and I (or we) (*insert the name of any other party or parties*) in consideration of dollars paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (*or certain parcels as the case may be*) of land situate (*describe the land*), the same having been selected and laid out by the said company for the purposes of their railway, to hold with the appurtenances unto the said The Huron and Quebec Railway Company, their successors and assigns (*here insert any other clauses, covenants or conditions required*) ; and I (or we)

the wife (*or wives*) of the said do hereby bar my
(*or our*) dower in the said lands.

As witness my (*or our*) hand and seal (*or hands and seals*)
this day of one thousand eight hundred
and

Signed sealed and delivered }
in the presence of }

L. S.

SCHEUDLE "B."

(See Section 38.)

CHIEF ENGINEER'S CERTIFICATE.

The Huron and Quebec Railway Company's Office,
Engineer's Department.
A. D. 18

No.

Certificate to be attached to cheques drawn on The Huron
and Quebec Railway Municipal Trust Account, and given under
section of cap 37th Vic.

I, chief engineer for the
Huron and Quebec Railway, do hereby certify that there has
been expended in the construction of mile No. (*the said*
mileage being number consecutively from the boundary of the
Town of Goderich) the sum of dollars to date, and that
the *pro rata* amount due for the same from the said Municipal
Trust Accounts amounts to the sum of dollars, which
said sum of dollars is now due and payable as provided
under said Act.

3rd Session, 2nd Parliament, 37 Vict., 1874.

BILL.

An Act to incorporate the Lake Huron and
Quebec Railway Company.

1st Reading, 12th February, 1874.

(*PRIVATE BILL.*)

MR. BOULTBEE.

TORONTO :

PRINTED BY HUNTER, ROSE & CO.

An Act to incorporate the Huron and Quebec Railway Company.

WHEREAS the construction of a railway from the town Preamble.
and harbour of Goderich, on Lake Huron, through the
Counties of Huron, Perth, Wellington, Simcoe, York, Ontario,
Victoria, Durham and Peterborough, to connect with the Ontario
5 and Quebec Railway, with power to build a branch to the town
of Sarnia, and also a branch from some point on the main line to
the village of Fergus and Elora and the town of Guelph, and a
branch to the harbour at Toronto, or to some other harbour on
Lake Ontario, has become desirable for the development of the
10 resources of that portion of the Province of Ontario to be tra-
versed by the said railway, and the establishment of the most
direct and shortest route from the west to the seaboard, and the
public convenience and accommodation of the inhabitants of the
said portion of the said Province :

15 Therefore Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows :

1. Malcolm Colin Cameron, Horace Horton, Archibald Bishop,
Thomas Mayne Daly, David Drummond Hay, Robert McKim,
20 Maitland McCarthy, Erastus Jackson, the Honourable Peter
Gow, John Leckie, Joseph Gould, George Kempt, George
Dormer, Elias Burnham, James Stevenson, John Fowler, William
John Fowler, and John Henry Dumble, together with such per-
sons and corporations as shall in pursuance of this Act, become
25 shareholders in the said company hereby incorporated, are
hereby constituted and declared to be a body corporate and
politic by the name of "The Huron and Quebec Railway Corporate
name.
Company."

2. The several clauses of the Railway Act of the Consolidated
30 Statutes of Canada and amendments thereto, and also the several
clauses thereof with respect to "interpretation," "incorpora-
tion," "powers," "plans and surveys," "lands and their valua-
tion," "highways and bridges," "fences," "tolls," "general
meetings," "president and directors," "their election and
35 duties," "calls," "shares and their transfer," "municipali-
ties," "shareholders," "actions for indemnity and fines and
penalties, and their prosecution," "by-laws, notices, &c.,"
"working of the railway," and "general provisions," shall be
incorporated with and deemed to be a part of this Act, and
40 shall apply to the said company and to the railway to be con-
structed by them, except only so far as they may be inconsis-

Certain per-
sons incorpo-
rated.

Certain clauses
of the Railway
Act to apply:

Interpretation
of the words
"this Act."

ent with the express enactments hereof; and the expression, "this Act," when used herein shall be understood to include the clauses of the said Railway Act so incorporated with this Act.

Location of
railway.

3. The said company shall have full power under this Act to construct a railway from any point at or near the harbour of Goderich, on Lake Huron, through the counties of Huron, Perth, Wellington, Simcoe, York, Ontario, Victoria, Durham and Peterborough, to connect with the Ontario and Quebec Railway, with power to build a branch to the town of Sarnia, and also a branch from some point on the main line to the villages of Fergus and Elora and the town of Guelph, and a branch to the harbour at Toronto, or to some other harbour on Lake Ontario. 5 10

Gauge to be
four feet eight
and a half in.

4. The said railway shall be of the gauge of four feet and eight and one half inches. 15

Agreements
with other
railway com-
panies.

5. It shall be lawful for the said company to enter into any agreement with any other railway in the Province of Ontario, for leasing the said railway or any part thereof to such other company, or for leasing or hiring from such other company any railway or any part thereof, or for leasing or hiring locomotives or other rolling stock, and generally to make any agreement or agreements with any such other company touching the use by one or the other or by both companies, of the railway or moveable property of either, or of both or of any part thereof; or touching any service to be rendered by one company to the other, and the compensation therefor; and any such agreement shall be valid and binding, and shall be enforced by courts of law according to the terms and tenor thereof; and any company or individual accepting and executing such lease or agreement shall be and is hereby empowered to exercise all the rights, powers, and privileges in this Act conferred: Provided the said leases, agreement or agreements have been first respectively sanctioned at special general meetings of the shareholders, called for the purpose of considering the same respectively, under the provisions of the Railway Act, and then by a vote to that end of two-thirds of the shareholders, present either in person or by proxy. 20 25 30 35

Form of con-
veyances to the
company.

6. Conveyances of lands to the said company for the purposes of and powers given by this Act, may be in the form set out in the schedule "A" hereunder written, or the like effect, shall be sufficient conveyance to the said company, their successors and assigns of the estate, or interest, and sufficient bar of dower respectively of all persons executing the same, and such conveyances shall be registered in such manner and upon such proof of execution as is required under the Registry Laws of Ontario, and no Registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicate thereof. 40 45

Registration.

Provisional
directors.

7. The said provisional directors until others shall be named as hereinafter provided, shall constitute the board of directors of the company, with power to fill vacancies occurring therein; to associate with themselves thereon, not more than three other persons, who upon being so named shall become and be directors 50

of the company equally with themselves; to open stock books, and procure subscriptions of stock for the undertaking; to make a call upon the shares subscribed therein; to call a meeting of the subscribers thereto for the election of other directors as hereinafter provided, and with all such other powers as under the Railway Act are vested in such boards. The said directors or a majority of them, or the board of directors to be elected as hereinafter mentioned, may in their discretion exclude any person from subscribing who, in their judgment would hinder, delay or prevent the company from proceeding with, and completing their undertaking under the provisions of this Act; and if at any time more than the whole stock shall have been subscribed, the said provisional directors or board of directors shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking; and, in such allocation, the said directors may in their discretion exclude any one or more of the said subscribers if, in their judgment, this will best secure the building of the said railway.

Directors may exclude certain persons from subscribing to stock.

8. The capital of the company hereby incorporated shall be three hundred thousand dollars (with power to increase the same in the manner provided by the Railway Act), to be divided into three thousand shares of one hundred dollars each, and shall be raised by the persons and corporations who may become shareholders in such company; and the money so raised shall be applied in the first place to the payment and discharge of all fees, expenses and disbursements for procuring the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized; and all the remainder of such money shall be applied to the making, equipment and completion of the said railway, and the other purposes of this Act; and until such preliminary expenses shall be paid out of the said capital stock, the municipality of any city, county, town, township or village on the line of such works may pay out of the general funds of such municipality its fair proportion of such preliminary expenses, which shall hereafter if such municipality shall so require, be refunded to such municipality from the capital stock of the company, or be allowed to it in payment of stock.

Preliminary expenses.

9. On the subscription for shares of the said capital stock each subscriber shall pay ten per centum of the amount subscribed by him into some chartered bank to be designated by the directors, to the credit of the said company.

Ten per cent. of the stock to be paid up.

10. Thereafter calls may be made by the directors for the time being, as they shall see fit, provided that no call shall be made at any one time of more than ten per centum of the amount subscribed by each subscriber and at intervals of not less than thirty days.

Future calls.

11. As soon as shares to the amount of one hundred thousand dollars of the capital stock of the said company shall have been subscribed, and ten per centum thereof paid into some chartered bank having an office in the Town of Goderich, which shall on no account be withdrawn therefrom unless for the service of the company, the directors shall call a general meeting of the subscribers to the said capital stock, who shall have so paid

General meeting for the election of directors.

up ten per centum thereof for the purpose of electing directors to the said company.

Directors may accept payment in full of stock. **12.** It shall be lawful for the provisional or elected directors to accept payment in full for stock from any subscriber thereof, at the time of subscription thereof, or at any time before the making of a final call thereon, and to allow such percentage or discount thereon as they may deem expedient and reasonable, and thereupon to issue to each subscriber scrip to the full amount of such stock subscribed. 5

How meeting may be called if provisional directors neglect to call the same. **13.** In case the provisional directors neglect to call such meeting for the space of three months after such amount of the capital stock shall have been subscribed, and ten per centum thereof so paid up, the same may be called by any five of the subscribers who shall have so paid up ten per centum, and who are subscribers among them for not less than one thousand dollars of the said capital stock, and who have paid up all calls thereon. 15

Notice of general meeting. **14.** In either case notice of the time and place of holding such general meeting shall be given in the *Ontario Gazette*, and in one local newspaper published at Goderich and Peterborough, once in each week, for the space of at least two weeks, and such meeting shall be held at the Town of Goderich, at such place therein and on such day as may be named by such notice: At such general meeting the subscribers for the capital stock assembled who shall have so paid ten per centum thereof, with such proxies as may be present shall choose nine persons to be the directors of the said company, and may also make or pass such rules and regulations and by-laws as may be deemed expedient, provided they be not inconsistent with this Act. 20

Election of directors.

Annual meetings. **15.** Thereafter the general annual meeting of the shareholders of the said company shall be held in such place, and on such days and on such hours as may be directed by the by-laws of the said company, and public notice thereof shall be given at least two weeks previously in the *Ontario Gazette*, and in one local newspaper published at Goderich and Peterborough once in each week. 30

Special general meetings. **16.** Special general meetings of the shareholders of the said company may be held at such places, and at such times, and in such manner, and for such purposes as may be provided by the by-laws of the said company. 40

Scale of votes. **17.** Every shareholder of one or more shares of the said capital stock shall, at any general meeting of the shareholders, be entitled to one vote for every share held by him, provided that no one shareholder shall be entitled to more than fifty votes at any meeting, notwithstanding the amount of shares held by him; and no shareholder shall be entitled to vote on any matter whatever unless all calls due on the stock upon which such shareholder seeks to vote shall have been paid up at least one week before the day appointed for such meeting. 45

Corporations, how represented at meetings. **18.** At all meetings of the company the stock held by municipal and other corporations may be represented by such person as they shall respectively have appointed in that behalf by by- 50

law ; and such person shall at such meeting be entitled equally with other shareholders to vote by proxy.

19. No person shall be qualified to be elected as such director by the shareholders unless he be a shareholder holding at least ten shares of stock in the company, and unless he has paid up all calls due thereon. Qualification of directors.

20. Any meeting of the directors of the said company regularly summoned, at which not less than five directors shall be present, shall be competent to exercise and use all and every of the powers hereby invested in the said directors. Quorum of directors.

21. The said company may receive from any Government, or from any persons or bodies corporate, municipal or politic, who may have power to make or grant the same, aid towards the construction, equipment or maintenance of the said railway, by way of bonus, gift or loan in money, or debentures, or other securities for money, or by way of guarantee, upon such terms and conditions as may be agreed upon. Aid to company from Government, &c.

22. Any municipal corporation, or any portion of a municipality, which may be interested in securing the construction of the said railway, or through any part of which, or near which the railway or works of the said company shall pass or be situate, may aid the said company by giving money or debentures, by way of bonus, gift or loan, or by the guarantee of the municipal corporation, under and subject to the provisions hereinafter contained, which are to be taken as applicable thereto, instead of sections four hundred and seventy-two, four hundred and seventy-three and four hundred and seventy-four of the Municipal Institutions Act: Provided always that no such aid shall be given, except after the passing of a by-law for the purpose, and the adoption of such by-law by the qualified ratepayers of the municipality or portion of municipality, (as the case may be,) as provided in the Municipal Act for the creation of debts. Aid from municipalities.

23. Such by-law shall be submitted by the municipal council to the vote of the ratepayers in manner following, namely :— Manner of submitting by-law to ratepayers.

1. The proper petition shall first be presented to the council, expressing the desire to aid the railway, and stating in what way and for what amount ; and the council shall within six weeks after the receipt of such petition, by the clerk of the municipality, introduce a by-law to the effect petitioned for, and submit the same for the approval of the qualified voters ;

2. In the case of a county municipality the petition shall be that of a majority of the reeves and deputy-reeves, or of twenty resident freeholders in each of the minor municipalities of the county, who are qualified voters under the Municipal Act ;

3. In the case of other municipalities, the petition shall be that of a majority of the council thereof, or of twenty resident freeholders, being duly qualified voters as aforesaid ;

4. In the case of two or more minor municipalities, or sections of two or more such municipalities, or of two or more such municipalities, with a section or sections of one or more minor municipalities forming part of a county municipality, the petition is to be presented to the county council, describing the portions to be grouped, and defining any section by metes and bounds, and shall be that of a majority of each of the councils

of such minor municipalities respectively, or of twenty resident freeholders in each of the said minor municipalities or sections proposed to be grouped, being duly qualified voters as aforesaid.

Aid from portions of county municipalities.

Grouping of union municipalities.

Proceedings on opposing submission of by-law.

Arbitration

Rate to be levied only on the part of municipality granting bonus.

Company to make deposit for expenses.

Interpretation of words "minor municipality."

By-laws to be valid, though the annual

24. Where a portion of the county municipality petitions to aid the railway, it shall be such portion only as shall consist of two or more minor municipalities or sections thereof, through which the line of railway is to be constructed, or which will be benefited thereby, and such minor municipalities and sections thereof shall lie contiguous; but no minor municipality or section thereof, which is subject to a county or other by-law in aid of the same railway, shall be thus grouped without the consent of the majority of the duly qualified voters therein expressed to that end, when voting upon the proposed by-law. 5 10

25. In case of aid from a county municipality, or from a grouped portion thereof, twenty resident freeholders of the county or portion comprised in the proposed by-law (as the case may be) may petition the county council against submitting the said by-law, upon the ground that certain minor municipalities or portions thereof comprised in the said by-law would be injuriously affected thereby, or upon any other ground ought not to be included therein, and upon deposit by the petitioners with the treasurer of the county of a sum sufficient to defray the expenses of such reference, the said council shall forthwith refer the said petition to three arbitrators, one being the judge of the county court, one being the registrar of the county or of the riding in which the county town is situate, and one being an engineer appointed by the Commissioner of the Department of Public Works for Ontario, who shall have power to confirm or amend the said by-law by excluding any minor municipality or any section thereof therefrom; and the decision of any two of them shall be final, and the by-law so confirmed or amended shall thereupon, at the option of the railway company, be submitted by the council to the duly qualified voters, and in case the by-law is confirmed by the arbitrators, the expense of the reference shall be borne by the petitioners against the same, but if amended, then by the railway company or the county, as the arbitrators may order. 15 20 25 30 35

26. In the case of a portion of the county municipality being formed into a group, the by-law to be submitted shall be that of the county, but the rate to be levied for payment of the debentures issued thereunder, and the interest thereon, shall be assessed and levied upon such portions only of the county municipality, and the voting thereon shall be limited to the duly qualified voters in such portions only. 40

27. Before any such by-law is submitted, the railway company shall deposit with the Treasurer of the municipality a sum sufficient to pay the expenses to be incurred in submitting said by-law. 45

28. The term "minor municipality" shall be construed to mean any town not separated from the municipal county, township, or incorporated village situate in the county municipality. 50

29. No by-law shall be valid, or shall be submitted to such vote for granting aid to the railway which shall require the levying of a greater aggregate annual rate for all purposes, exclusive

of school rates, than three cents in the dollar upon the value of the ratable property in each of the minor municipalities or section affected thereby, but for the purpose of such aid, the amount of the aggregate annual rate to be levied in any such municipality or section, may exceed the two cents in the dollar limited by the Municipal Act.

rate exceed
two cents in
the dollar.

30. Such by-law shall in each instance provide :

Provisions of
by-law.

1. For raising the amount petitioned for in the municipality or portions of the county municipality (as the case may be), mentioned in the petition, by the issue of debentures of the county or minor municipality respectively, and shall also provide for the delivery of the said debentures, or the application of the amount to be raised thereby, as may be expressed in the said by-law.

2. For assessing and levying upon all ratable property lying within the municipality or portions of the county municipality defined in said by-law (as the case may) an annual special rate sufficient to include a sinking fund for the repayment of the said debentures, within twenty years, with interest thereon, payable yearly or half-yearly, or by equal annual instalments, of principal and interest, which debentures the respective municipal councils, warden, reeves, and other officers thereof are hereby authorized to execute and issue in such cases respectively : Provided that in case the sum raised under the authority of such by-law, is invested in the capital stock or bonds of the railway company or loaned thereon, the council of the municipality holding such stock or bonds may sell and dispose of the same or any part thereof, and shall in such case apply the moneys received therefor in payment of the said debentures and interest.

31. In case the by-law submitted is not approved of, no other by-law, which is in substance the same shall be submitted to the voters of the same municipality or portion of the county municipality, until after the expiration of six months from such rejection.

If by-law defeated, limit of time for submitting similar one.

32. In case the by-law submitted be approved of or carried by a majority of the votes given thereon, then within four weeks after the date of such voting, the municipal council which submitted the same, shall read the said by-law a third time and pass the same.

If by-law carried, council to pass the same.

33. Within one month after the passing of such a by-law, the said council, and the warden, reeve, or other officers thereof, shall issue or dispose of the debentures necessary to raise the sum mentioned in such by-law, and otherwise act according to the terms thereof.

And issue the debentures.

34. The corporation of any county municipality shall be at liberty to take the debentures issued by any township in aid of the railway company, and give in exchange therefor to the said township a like amount of debentures of the said county, on a resolution to that effect being passed by the county council, but the township municipality shall in each case keep the county municipality fully indemnified against any rate or liability in respect of said debentures.

Corporation may exchange their debentures for those of the townships.

35. Whenever any municipality or portion of a county municipality shall grant aid by way of bonus or gift to the railway

Trustee for municipal debentures.

company, the debentures therefor shall within six months after passing of the by-law authorizing the same, be delivered to three trustees to be named, one by the Lieutenant-Governor in Council, one by the said company, and one by the majority of the heads of the municipalities which have granted bonuses ; all of the trustees to be residents of the Province of Ontario : Provided, that if the said council shall refuse or neglect to name such trustee, or if the Lieutenant-Governor in Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustees, the company shall be at liberty to name such other trustee or other trustees ; any of the said trustees may be removed and a new trustee appointed in his place at any time, by the Lieutenant-Governor in Council, with the consent of the company ; and in case any trustee die, or resign his trust, or go to live out of Ontario, or otherwise become incapable to act, his trusteeship shall become vacant, and a new trustee may be appointed by the Lieutenant-Governor in Council, with the consent of said company.

Trusts on which debentures are to be held.

36. The said trustees shall receive the said debentures or bonds in trust ; firstly, under the direction of the company, to convert the same into money ; secondly, to deposit the amount realized from the sale in some of the chartered banks having an office in this Province, in the name of " The Grand Junction Railway Municipal Trust Account," and to pay the same out to the said company from time to time, on the certificate of the chief engineer of the said railway, in the form set out in schedule A hereto, or to the like effect setting out the portion of the railway to which the money to be paid out is to be applied, and that the sum so certified for, is in pursuance of the terms and conditions of the by-law ; and such certificate is to be attached to the cheques to be drawn by the said trustees ; and such engineer shall not wrongfully grant any such certificate under penalty of one hundred dollars, recoverable in any county court by any person who may sue therefor.

Trustees' fees—Act of two to govern.

37. The trustees shall be entitled to their reasonable fees and charges from said trust fund ; and the act of any two of such trustees to be as valid and binding as if the three had agreed.

Company may receive gifts of lands.

38. Any municipality through which the said railway may pass is empowered to grant by way of gift to the said company any lands belonging to such municipality, which may be required for right of way, station grounds, or other purposes connected with the running or traffic of the said railway ; and the said railway company shall have power to accept gifts of land from any Government or any person or body politic or corporate, and shall have power to sell or otherwise dispose of the same for the benefit of the said company

Municipalities may exempt Company from taxation.

39. It shall further be lawful for the council of any municipality in which any part of the railway of the company is situated, by by-law specially passed for that purpose, to exempt the said company and its property, within such municipality, either in whole or in part, from municipal assessment or taxation, or to agree to a certain sum per annum or otherwise, in gross, or by way of commutation or composition for payment,

or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years, and any such by-law shall not be repealed unless in conformity with a condition contained therein.

40. It shall and may be lawful for the council of any municipality that may grant a bonus to the company, and they shall have full power to extend the time for completion of the works, on the completion of which the said company would be entitled to such bonuses. Council may extend time.

41. It shall be lawful for the council of any township or county municipality interested in the said extension branches, or any of them, and without complying with the requirements of any Act providing for the creation of debts by municipal corporations on behalf of such township or county municipalities, to bear all or part of the costs, charges, and expenses of, and incidental to, the submission of any by-law to the said qualified voters for granting a bonus to the said company, or may give the said company a bonus on account of such costs, charges and expenses; provided always that no one such bonus shall exceed five thousand dollars. Councils may contribute towards preliminary expenses.

42. Whenever any municipality or portion of a municipality shall aid, loan, guarantee, or give money or bonds by way of bonus to aid the making, equipment, and completion of said extension and branches, or any part or parts thereof, it shall be lawful for the said company to enter into a valid agreement with any such municipality binding the said company to expend the whole of such aid so given upon works of construction, within the limits of the municipality granting the same. Municipalities may agree as to application of bonus.

43. The directors of the said company after the sanction of the shareholders shall have been first obtained at any special general meeting to be called from time to time for such purpose, shall have power to issue bonds to any amount not exceeding twenty thousand dollars per mile of railway, to be signed by the president or vice-president of the said company, and countersigned by the secretary and treasurer, and under the seal of the said company, for the purpose of raising money for prosecuting the said undertaking; and such bonds shall without registration or formal conveyance be taken and considered to be first and preferential claims and charges upon the said undertaking and the property of the company real and personal then existing, and at any time thereafter acquired; and each holder of the said bonds shall be deemed to be a mortgagee and incumbrancer *pro rata* with all the other holders thereof upon the undertaking, and the property of the company as aforesaid: And provided also further that in the event at any time of the interest upon the said bonds remaining unpaid and owing, then at the next ensuing general annual meeting of the said company, all holders of bonds shall have and possess the same rights and privileges and qualifications for directors and for voting as are attached to shareholders, provided that the bonds and any transfers thereof shall have been first registered in the same manner as is provided for the registration of shares; and it shall be the duty of the secretary of the company to register the same on being required to do so by any holder thereof. Issue of bonds by the company. Rigors of bondholders at annual meetings.

Company may
make promissory
notes, &c.

44. The said company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars, and any such promissory note made or endorsed by the president or vice-president of the company, and countersigned by the secretary and treasurer of the said company, and under the authority of a quorum of the directors, shall be binding on the said company; and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority, until the contrary be shewn; and in no cases shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange, nor shall the president or vice-president, or secretary and treasurer, be individually responsible for the same unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors, as herein provided and enacted: Provided however, that nothing in this section shall be construed to authorize the said company to issue any note or bill of exchange payable to bearer, or intended to be circulated as money, or as the notes or bills of a bank.

but not to be
circulated as
money,

Acquiring
lands for
gravel pits, &c.

45. Where stone, gravel, or any other material is or are required for the construction or maintenance of said railway, or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same are situate, for the purchase thereof, cause a provincial land surveyor to make a map and description of the property so required, and they shall serve a copy thereof with their notice of arbitration, as in case of acquiring the roadway, and the notice of arbitration, the award, and the tender of the compensation shall have the same effect as in the case of arbitration for the roadway; and all the provisions of the Railway Act as varied and modified by the special Acts relating to the said company as to the service of the said notice, arbitration, compensation, deeds, payment of money in Court, the right to sell, the right to convey, and the parties from whom lands may be taken or who may sell, shall apply to the subject matter of this section, and to the obtaining materials as aforesaid: and such proceedings may be had by the said company either for the right to the fee simple in the land from which the said material shall be taken, or for the right to take material for any time they shall think necessary; the notice of arbitration, in case arbitration is resorted to, to state the interest required.

Laying tracks
to gravel pits,
&c.

46. When the said gravel, stone, or other materials shall be taken under the preceding section of this Act at a distance from the line of the railway, the company may lay down the necessary siding and tracks over any lands which may intervene between the railway and the lands on which said material shall be found, whatever the distance may be, and all the provisions of the Railway Act and of the special Acts relating to said company's Act, except such as relate to filing plans and publication of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated; and such right may be so acquired for a term of years or permanently, as the company may think proper; and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed for the purpose of repairing and maintaining the said railway.

47. Whenever it shall be necessary for the purpose of procuring sufficient lands for stations or gravel pits, or for constructing, maintaining and using the said railway, and in case by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price, or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use or enjoy such lands, and also the right of way thereto, if the same be separated from their railway, and to sell and convey the same or part thereof from time to time as they may deem expedient.

Powers as to
lands for sta-
tions, etc.

48. The said railway shall be commenced within two years and completed within ten years after the passing of this Act, and in default thereof, the powers hereby conferred shall absolutely cease with respect to so much of the railway as then remains incomplete.

Commence-
ment and com-
pletion of
Railway.

49. Nothing in this Act shall prevent any municipality from subscribing for stock of the company pursuant to the Railway Act or Municipal Act.

Municipalities
may subscribe
for stock.

50. For the purpose of constructing, working and protecting the telegraph lines constructed by the company under this Act on their line of railway, the powers conferred on telegraph companies by the Act respecting Electric Telegraph Companies are hereby conferred upon the company, and the other provisions of the said Act for the working and protection of telegraph lines shall apply to any such telegraph lines constructed by the company.

Telegraph
lines.

SCHEDULE A.

(See section 6.)

Know all men by these presents, that I (or we) (insert the name or names of the vendor or vendors) in consideration of dollars paid to me (or us) by the Huron and Quebec Railway Company, the receipt whereof is hereby acknowledged, do grant and convey, and I (or we) (insert the name of any other party or parties) in consideration of dollars paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (or certain parcels as the case may be) of land situate (describe the land), the same having been selected and laid out by the said company for the purposes of their railway, to hold with the appurtenances unto the said The Huron and Quebec Railway Company, their successors and assigns (here insert any other clauses, covenants or conditions required); and I (or we) the wife (or wives) of the said do hereby bar my (or our) dower in the said lands.

As witness my (or our) hand and seal (or hands and seals) this day of one thousand eight hundred and

Signed sealed and delivered }
in the presence of }

L. S.

SCHEUDLE B.

(See Section 36.)

CHIEF ENGINEER'S CERTIFICATE.

THE HURON AND QUEBEC RAILWAY COMPANY'S OFFICE,
ENGINEER'S DEPARTMENT, A.D. 18

No.

*Certificate to be attached to cheques drawn on the Huron and
Quebec Railway Municipal Trust Account.*

I, Chief Engineer for the Huron and
Quebec Railway Company, do hereby certify, that the sum
of \$ is required to be expended in the construction of
the portion of the line extending from mile No. to mile
No. , and that payment should be made to the com-
pany of such amount from the Municipal Trust Account, the
same being in pursuance of the terms and conditions of the By-
law of the Municipality of the of

BILL

An Act to incorporate the Huron and Que-
bec Railway Company

(Re-printed as Amended.)

1st Reading, 12th February, 1874.

2nd Reading 12th March, 1874.

PRIVATE BILL.

Mr. BOULTBEE

TORONTO :

PRINTED BY HUNTER, ROSE & Co.

An Act for the construction of Water Works for the
Town of Peterborough.

WHEREAS, the construction of water-works and a supply of water would conduce to the comfort of the inhabitants of the Town of Peterborough, and afford means for the better protection from fire of property therein; And whereas the Corporation of the Town of Peterborough have by petition asked to be authorized to construct, have and manage, as to them may seem meet, certain water-works for said town, and it is expedient to grant the prayer of said petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The Corporation of the Town of Peterborough by and through the agency of commissioners and their successors, to be elected and appointed as hereinafter provided, may and shall have power to design, construct, build, purchase, improve, hold and generally maintain, manage and conduct water-works, and all buildings, matters, machinery, and appliances therewith connected, or necessary thereto, in the Town of Peterborough and parts adjacent, as hereinafter provided.

2. The commissioners and their successors shall be a body corporate, under the name of "The Water Commissioners for the Town of Peterborough," and shall be composed of three members, of whom the Mayor of the Town of Peterborough shall be *ex-officio* one; and the said commissioners shall have all the powers necessary to enable them to build the water-works hereinafter mentioned, and to carry out all and every the other powers conferred upon them by this Act.

3. It shall be the duty of the said commissioners to examine, consider, and decide upon all matters relative to supplying the said Town of Peterborough with a sufficient quantity of pure and wholesome water for the use of its inhabitants.

4. The commissioners shall have power to employ engineers, surveyors, and such other persons, and to rent or purchase such lands, buildings, waters and privileges as in their opinion may be necessary to enable them to fulfil their duties under this Act.

5. It shall and may be lawful for the said commissioners, their agents, servants and workmen, from time to time, and at such times hereafter as they shall see fit, and they are hereby

Appropriate streams.	authorized and empowered to enter into and upon the lands of any person or persons, bodies politic or corporate, in the Town of Peterborough, or within fifteen miles of the said town, and to survey, set out, and ascertain such parts thereof as they may require for the purposes of the said water-works; also to divert and appropriate any river, pond of water, spring or stream of water therein, as they shall judge suitable and proper, and to contract with the owner or occupier of the said lands, and those having a right in the said water for the purchase thereof, or of any part thereof, or of any privilege that	5
Differences to be referred to arbitration.	may be required for the purposes of the said water commissioners; and in case of any disagreement between the said commissioners and the owners or occupiers of such lands, or any person having an interest in the said water, or the natural flow thereof, or any such privilege as aforesaid respecting the amount of purchase or value thereof, or as to the damages such appropriation shall cause to them, or otherwise, the same shall be decided by three arbitrators, to be appointed as hereinafter mentioned: namely, the commissioners shall appoint one, the owner or owners shall appoint another, and such two arbitrators shall within ten days after their appointment appoint a third arbitrator; but in the event of such two arbitrators not appointing a third arbitrator within the time aforesaid, the Judge of the County Court of the County of Peterborough shall on application by either party appoint such third arbitrator; in case any such owner or occupier shall be an infant, married woman, or insane, or absent from this province, or shall refuse to appoint an arbitrator on his behalf, or in case such land or water privileges may be mortgaged or pledged to any person or persons, the judge of the County Court of the County of Peterborough, on application being made to him for that purpose by the commissioners, shall nominate and appoint three indifferent persons as arbitrators; the arbitrators to be appointed as hereinafter mentioned shall award, determine, adjudge, and order the respective sums of money, which the said commissioners shall pay to the respective persons entitled to receive the same, and the award of the majority of the said arbitrators in writing shall be final; and the said arbitrators shall be and they are hereby required to attend at some convenient place at or in the vicinity of the said town, to be appointed by the said commissioners after eight days' notice given for that purpose by the said commissioners, there and then to arbitrate and award, adjudge, and determine such matters and things as shall be submitted to their consideration by the parties interested, and also the costs attending said reference and award; and each arbitrator shall be sworn before some one of Her Majesty's justices of the peace in and for the said county of Peterborough, well and truly to assess the value or damages between the parties to the best of his judgment; and the justice of the peace before whom the said arbitrators or any of them shall be sworn, shall give either the parties requiring the same a certificate to that effect: Provided always, that any award under this Act shall be subject to be set aside on application to the Court of Queen's Bench or Common Pleas, in the same manner and on the same grounds as in ordinary cases of arbitration, in which case a reference may be again made to arbitration, as hereinbefore provided, and that any sum so awarded shall be paid within three calendar months from the date of the award or determination of any motion to amend the same, and in de-	10 15 20 25 30 35 40 45 50 55
Lands of infants, &c.		
Award.		
Meetings of arbitrators.		
Oath of arbitrators.		
Setting aside award.		

fault of such payment the proprietor may resume possession of his property, and all his right shall thereupon revive, and the award of the majority of the said arbitrators shall be binding on all parties concerned, subject as aforesaid.

- 5 6. The lands, privileges and water which shall be ascertained, set out or appropriated by the said commissioners, for the purposes thereof as aforesaid shall thereupon and forever thereafter be vested in the corporation of the town of Peterborough and their successors, and it shall and may be lawful for the
 10 said commissioners and their successors to construct, erect and maintain in and upon the said lands all such reservoirs, water works and machinery requisite for the said undertaking and to convey the water thereto and therefrom in, upon or through any of the grounds and lands lying intermediate between the
 15 said reservoirs and water works and the springs, streams, rivers, or ponds, or waters from which the same are procured, and the said town of Peterborough by one or more lines of pipes as may from time to time be found necessary; and for the better effecting the purpose aforesaid, the said commissioners and their
 20 successors and servants are hereby empowered to enter and pass upon and over the said grounds, roads, highways, railways and lands intermediate as aforesaid, and the same to cut and dig up if necessary, and to lay down the said pipes through the same, and in, upon, over, under and through the highways, railways
 25 and roads within fifteen miles of the town of Peterborough, and in through, over and under the public ways, streets, lanes, railways or other passages within the said town of Peterborough, and in, upon, through, over and under the lands, grounds and premises of any person or persons, bodies corporate, politic or
 30 collegiate, or any lands of the crown, and to set out, ascertain, use and occupy such part or parts thereof as they, the said commissioners or their successors shall think necessary and proper for the making and maintaining of the said works, or for the opening of new streets required for the same, and for the
 35 purchasing of any lands required for the protection of the said works, or for preserving the purity of the water supply, or for taking up, removing, altering or repairing the same, and for distributing water to the inhabitants of the town of Peterborough, or for the uses of the corporation of the said town, or of
 40 the proprietors or occupiers of the land through or near which the same may pass; and for this purpose to sink and lay down pipes, tanks, reservoirs and other conveniences, and from time to time to alter all or any of the said works, as well in the position as in the construction thereof, as to the said commissioners
 50 or their successors shall seem meet, doing as little damage as may be in the execution of the powers hereby granted to them, and making reasonable and adequate satisfaction to the proprietors, to be ascertained in case of disagreement by arbitration as aforesaid; and all such water works, pipes, erections and
 50 machinery requisite for the said undertaking shall likewise be vested in and be the property of the said corporation of the town of Peterborough.

Lands appropriated vested in the town.

Construction of works, laying pipes, &c.

Work vested in the town.

7. If any person shall wilfully or maliciously hinder or interrupt, or cause or procure to be hindered or interrupted, the said
 55 commissioners or their managers, contractors, servants, agents, workmen, or any of them in the exercise of any of the powers and authorities in this Act authorized and contained, or if any

Injury, etc to works.

person shall wilfully or maliciously let off, or discharge any water so that the same shall run waste or useless out of the said works; or if any person shall throw or deposit any injurious, noisome or offensive matter into the said water, or water works, or upon the ice, or in any way foul the same, or commit any wilful damage, or injury to the works, pipes, or water, or encourage the same to be done, every person offending in any of the cases aforesaid, shall on conviction thereof, before any Justice of the Peace having jurisdiction within the locality where the offence shall be committed, forfeit and pay for every such offence a sum not exceeding twenty dollars together with the costs of conviction, one-half to be applied to the use of the commissioners for water-works purposes and the other half to him or her, who shall lay information; and in case the parties suing for the same shall be the commissioners themselves or any of their servants, officers, agents or workmen, then the whole of the said penalty shall be applied to the uses of the commissioners for water-works purposes; and such justice may also in his discretion, further condemn such person to be confined in the common gaol of the County of Peterborough, for any period not exceeding one calendar month as to such Justice shall seem meet; and such person or persons so offending, shall be liable to an action at law at the suit of the commissioners, to make good any damage done by him, her or them.

Penalty.

Materials for work, exempted from execution.

8. All materials procured or partially procured under contract with the commissioners, and upon which the said commissioners shall have made advances in accordance with such contract shall be exempt from execution.

Books and accounts to be kept by commissioners.

9. The said commissioners shall be and they are hereby required to keep, or cause to be kept, regular books of account and books for recording the whole of their official proceedings; and the commissioners and the clerks employed in their service, shall be sworn before a Justice of the Peace, to the faithful performance of their duties; and all such books shall be open to the examination of any member of the town council of the Town of Peterborough, or of any person or persons appointed for that purpose by the corporation of the Town of Peterborough, and shall annually on or before the thirty-first day of December in each and every year, make a report to the corporation of the Town of Peterborough; of the condition of the works under their charge, accompanied by a statement of their receipts and expenditures on account of the same.

Annual report.

Returns to the town council.

10. The commissioners and their successors shall from time to time in each year, deliver to the council of said corporation, such other statement of the affairs of the said water-works, as the said corporation may consider necessary, and which will afford to the citizens of the town of Peterborough a full and complete knowledge of the state of affairs of the said water-works, and such information as may be required by the corporation of the Town of Peterborough, and all the accounts relating to the said water-works may be audited by the auditor of the said corporation in regular course.

Accounts to be audited by auditors.

Regulations for use of water.

11. The commissioners for the time being shall regulate the distribution and use of the water in all places and for all pur-

poses where the same may be required, and from time to time shall fix the prices for the use thereof, and the times of payment ; and they may erect such number of public hydrants and in such places as they shall see fit, and direct in what manner and for
 5 what purposes the same shall be used, all which they may change at their discretion ; provided always that all hydrants conduits or other appliances, which the corporation of the Town of Peterborough may require under this Act for the purpose of
 10 extinguishment of fires, shall be placed as the corporation of the Town of Peterborough shall direct, and shall be under their exclusive control and direction when erected.

Location of fire hydrants.

12. The commissioners shall have power and authority, and it shall be their duty from time to time to fix the price, rate or rent, (such price, rate or rent, not being less after the completion
 15 of the works than sufficient to pay the interest and sinking fund upon the debentures issued for the construction of the works, and the expenses of maintaining and working the same,) which any owner or occupant of any house, tenement, lot, or part of a lot, or both, in, through or past which the water pipes
 20 shall run, shall pay as water rate or rent, whether such owner or occupant shall use the water or not, having due regard to the assessment and to any special benefit and advantage derived by such owner or occupant, or conferred upon him or her, or their property, by the water works, and the locality in which
 25 the same is situated, and such water rate or rent as shall be assessed by such commissioners upon such owner or occupant, shall be and continue a lien or charge, unless paid upon such real estate in the same way and manner as other taxes assessed on real estate, in the said Town of Peterborough, are liens ;
 30 and the water commissioners shall also have power and authority from time to time to fix the rate or rent to be paid for the use of the water by hydrants, fire plugs, and public buildings : And in order to prevent the waste of water, and settle disputes arising therefrom, as to the quantity supplied to any consumer,
 35 the said commissioners are hereby empowered to erect or place water metres or other water measuring apparatus on the premises of the consumer, whenever they may deem it expedient so to do, the cost thereof to be borne by such consumer.

Water rates.

Water rates lien on property.

13. All water rates and water rents when collected, less dis-
 40 bursements by the commissioners, shall be paid over monthly by the said commissioners to the treasurer of the Town of Peterborough.

Rates to be paid to Treasurer.

14. The commissioners shall have power from time to time to make and enforce all necessary by-laws, rules and regulations,
 45 for the general maintenance, or the management and conduct of the said water works, officers and others employed by them, not inconsistent with this Act ; and for the collection of the said water rent and water rate ; and for fixing the time and times (which shall be quarterly) when, and the places where the same
 50 shall be payable ; also for allowing a discount for prepayment, and in case of default in payment ; to enforce payment by shutting off the water, or by suit at law, before any court of competent jurisdiction, or by distress and sale of the goods and chattels of such owner or occupant, or of any goods and chattels
 55 in his or her possession, wherever the same may be found within the Town of Peterborough, or County of Peterborough,

By-laws, etc., regarding water rates.

Enforcing payment of rates.

or of any goods and chattels found on the premises the property of, or in the possession of, any other occupant of the premises; such distress and sales shall be conducted in the same manner as sales are now conducted for arrears of town taxes, and the costs chargeable shall be those payable to bailiffs, under the Division Court Act: Provided that the attempt to collect such rates, by any process hereinbefore mentioned, shall not in any way invalidate the lien upon such premises, and in the event of any such rate uncollected and unpaid, and continuing a lien upon the premises, as hereinbefore provided, the amount of such rate so in arrears shall be returned by the commissioners to the treasurer of the Town of Peterborough, annually, on or before the eighth day of April in each and every year, and the same, together with interest thereon, shall thereupon be collected by such treasurer, by the sale of the said lands and premises, in the same manner and subject to the same provisions, as in case of the sale of non-resident lands for arrears of municipal taxes.

Commissioners may prosecute or defend actions under their name of office.

15. The commissioners may prosecute or defend any actions or process at law or in equity, by the name of "The Water Commissioners of the Town of Peterborough," against any person or persons for money due for the use of the water, for the breach of any contract, express or implied touching the execution or management of the works or the distribution of the water, or of any promise or contract made to or with them, and also for any injury or trespass, or nuisance done or suffered to the water courses, source of water supply, pipes, machinery or any apparatus, belonging to or connected with any part of the works, or for any improper use or waste of the water, or for anything otherwise arising out of their said office as commissioners.

Power to employ town collectors and others.

16. The commissioners by by-law shall have power with the consent of the corporation of the Town of Peterborough, to employ the town collectors, assessors and such other persons as in their opinion may be necessary to carry out the object of this Act, and to specify the duties of such persons so employed, and to fix their compensation; and all such persons shall hold their offices under the commissioners, at the pleasure of the commissioners, or as they shall determine by by-law in that behalf; and shall give such security as the commissioners shall from time to time require; and such assessors and collectors shall have as full power in the performance and enforcement of the matters to them committed, as the collectors and assessors in the Town of Peterborough may by law possess and enjoy.

Protection of officers in exercise of office.

17. The commissioners and their officers, shall have the like protection in the exercise of their respective offices and the execution of their duties as justices of the peace now have under the laws of this Province.

Penalty for drawing off water.

18. If any person or persons shall lay or cause to be laid any pipe or main to communicate with any pipe or main of the said water works, or in any way obtain or use any water thereof, without the consent of the commissioners, he or they shall forfeit and pay to the commissioners for water works purposes, the sum of fifty dollars, and also a further sum of five dollars for each day, or part of a day or night, or part of a night, which pipe or main shall so remain, which said sums together with costs of

suit in that behalf, may be recovered by civil action in any court of law in the Province having civil jurisdiction to that amount.

- 19.** If any person shall bathe, or wash, or cleanse any cloth, wool, leather, skin or animals, or place any nuisance or offensive thing within the distance of one mile from the source of supply for such water works, in any river, pond, creek, spring, source or fountain from which the water of the said water works is obtained, or shall convey, or cast, or throw or put any filth, dirt, dead carcase or other noisome or offensive things therein, or within the distance as above set out, or cause, permit, or suffer the water of any sink, sewer or drain to run or be conveyed into the same, or cause any other thing to be done whereby the water therein may be in any way tainted or fouled, every such person shall on conviction thereof before any justice of the peace, be, by such justice adjudged and condemned to pay a penalty for every such offence not exceeding twenty dollars, together with costs, one half to be applied for water works purposes, and the other half to him or her who shall lay the information, and in case the party laying such information be the commissioners themselves, or any of their officers or servants, then the whole of said penalty shall be applied to the uses of the commissioners for water works purposes, and such justice shall also in his discretion further condemn such person to be confined in the common gaol for a space of time not exceeding one calendar month, with or without hard labour, as to such justice may seem meet.

Fouling the water.

Penalty.

- 20.** It shall and may be lawful for the commissioners, and they are hereby authorized and empowered to make such by-laws as to them shall seem requisite and necessary for prohibiting by fine not exceeding twenty dollars for water works purposes, or imprisonment not exceeding one calendar month, the amount of such fine and duration of such imprisonment, and also the option between fine and imprisonment, with or without hard labour, being always in the discretion of the justice of the peace before whom any proceedings may be taken for enforcement thereof, any person being occupant, tenant, or inmate of any house supplied with water from the said water works, from lending, selling, or disposing of the water thereof, from giving it away, or permitting it to be taken or carried away, or from using or applying it to the use or benefit of others, or to any other than his, her, or their own use and benefit, or from increasing the supply of water agreed for with the said commissioners, or from wrongfully neglecting or improperly wasting the water, as also for regulating the time, manner, extent, and nature of the supply by the said works, the tenement of parties to which and to whom the same shall be furnished, the price or prices to be exacted therefor, and each and every other matter or thing related to or connected therewith, with which it may be necessary or proper to direct, regulate, or determine, for issuing to the inhabitants of the town a continued and abundant supply of pure and wholesome water, and to prevent the practising of frauds upon the commissioners, with regard to the water so supplied.

Penalty for wrongfully using water.

- 21.** In all cases where a vacant space intervenes between the line of the street and the wall of the building into which the water is to be taken, the commissioners are empowered to lay

Service pipes may be laid across vacant land.

the service pipes across such vacant space, and charge the cost of the same to the owners of the premises, such charge to be payable with the first payment of water rates, and to be collected in the same manner from the said owners.

- Service pipes etc., to be under control of commissioners.** **22.** The service pipe from the line of street to the interior face of the outer wall of the building supplied together with all branches couplings, stopcocks and apparatus placed therein by the commissioners, shall be under their control, and if any damage be done to this portion of the service pipe or its fittings either by neglect or otherwise, the commissioners may repair the same, and charge the same to the occupant or the owner of the premises; the stopcock placed by the commissioners inside of the wall of the building shall not be used by water tenant, except in cases of accident or for the protection of the building or the pipes, and to prevent flooding of the premises. 5 10 15
- Stopcocks.**
- Taps.** **23.** All parties supplied with water by the commissioners, may be required to place only such taps for drawing and shutting off the water as may be approved of, by the commissioners.
- Breaking of service pipes.** **24.** Neither the water commissioners nor the corporation of the Town of Peterborough, shall be liable for damages caused by the breaking of any service pipe or attachment, or for any shutting off of the water to repair mains, or to tap the pipes, provided, notice be given of the intention to shut off the water when the same is shut off more than six hours at any one time. 20
- Officers may inspect buildings.** **25.** It shall be lawful for the officers of the water commissioners, and every person authorized by them for that purpose to have free access at proper hours of the day, and upon reasonable notice given and request made for that purpose to all parts of every building in which water is delivered and consumed. 25
- Obstructing hydrants etc.** **26.** If any person or persons not being in the employment of the water commissioners, or not being a member of the fire brigade of the said town, and duly authorized in that behalf, shall willfully open or close any hydrant, or obstruct the free access to any hydrant, stopcock chamber, or hydrant chamber by placing on it any building, material, rubbish or otherwise, every such person shall on conviction before any of Her Majesty's justices of the peace forfeit and pay for each offence, a sum not exceeding twenty dollars for water works, purposes, or in default of payment be imprisoned in the gaol of the county, for a term, not exceeding thirty days; and each time the said hydrants are so interfered with, and each day or part of a day, night or part of a night, such obstruction shall continue, shall be considered a separate offence. 30 35 40
- Penalty.**
- Quorum of commissioners.** **27.** A majority of said commissioners shall constitute a quorum for the transaction of any business allowed or acquired by virtue of this Act. 45
- Extension of water-pipes to suburbs.** **28.** The water commissioners are hereby empowered to arrange for the extension of pipes in suburbs and partially built portions of the town, by allowing a deduction from the price charged for the water to such extent as the commissioners shall see fit when the said pipes are laid at the cost of the parties under the directions of the commissioners and subject to their 50

approval, or the commissioners may lay the pipes, charging the said parties, in addition to the usual water-rates, a yearly interest upon the cost of such extension, which interest or such portion thereof as shall then be due, shall be paid at the same time, and collected in the same manner as the water-rates.

29. The water commissioners shall have power and authority to supply any corporation, person, or persons with water, although not being resident within the Town of Peterborough; and may exercise all other powers necessary to the carrying out of their agreement with such corporation or persons, as well within the suburbs of as within the Town of Peterborough; and they may also from time to time make and carry out any agreement which they may deem expedient for the supply of water to any railway company or manufactory; Provided that no power shall be exercised under this section without the consent and approbation of the corporation of the Town of Peterborough.

Supplying water to others than residents of the Town of Peterborough..

30. The lands, buildings, machinery, reservoirs, pipes, and all other real or personal property connected with, or appertaining or belonging to the water-works shall be exempt from taxation.

Exemption of works from taxation.

31. If any action or suit be brought against any person or persons for anything done in pursuance of this Act, the same shall be brought within six calendar months next after the act committed, or in case there shall be a continuation of damages, then within one year after the original cause of such action arising.

Limitation of time for commencement of actions.

32. The watchman and other officers of the water commissioners, when in the discharge of their duties, shall be *ex-officio* possessed of all the powers and authority of officers of the peace.

Powers of officers of the commission-ers.

33. For the purpose of acquiring the necessary lands, rights, and privileges, and constructing the said water-works, and paying the interest on the said debentures during the progress of the works, and expenses attendant thereon, or for the purpose of meeting the payment of any other matter, or being contemplated or allowed by this Act, the corporation of the Town of Peterborough shall have power to issue debentures of the said corporation of the Town of Peterborough, to be called water-works debentures, for a sum of money not exceeding one hundred thousand dollars of lawful money of Canada, which debentures shall be issued and made redeemable, at the times and in the manner pointed out, for the issuing and redemption of the debentures of the Town of Peterborough, by the Act of the Parliament of the late Province of Canada, passed in the twenty-fourth year of Her Majesty's reign, chaptered sixty-one; and it shall not be necessary to submit any by-laws, for the issue of the said debentures, to the approval of the ratepayers or electors of the Town of Peterborough, other than the by-laws hereinafter mentioned; but the said debentures to be issued hereunder, shall be valid and effectual, and binding to all intents and purposes, on the corporation of the Town of Peterborough, notwithstanding any of the provisions of the Municipi-

Issue of debentures.

pal Institutions Act in that behalf have not been complied with.

Deposits and applications of proceeds of debentures.

34. Such debentures when issued shall be deposited in some of the chartered banks having an office at the Town of Peterborough; and the proceeds of such debentures shall be paid into some chartered bank, and kept separate from any other funds of the said town; and the same shall only be paid out on the cheque of the mayor and treasurer, for the time being, of the Town of Peterborough, and the chairman for the time being of the said water commissioners, as may from time to time be required for the payment and discharge of the liabilities that may be incurred in carrying out the improvements contemplated by this Act, and for the payment of interest accruing due on the said debentures, during the period of the erection and completion of the said water works: Provided always, that nothing herein contained shall prevent the commissioners, should they deem it advisable so to do, from paying the contractor or contractors, or others, in debentures, either at par or at such rate of discount as the commissioners shall in their judgment deem advisable, with the assent of the corporation of the Town of Peterborough thereto, nor from selling or negotiating the same, as to them may seem most expedient and advantageous to the interests of the Town of Peterborough.

Holders of debentures to have a lien upon the works.

35. The said water works to be erected and constructed under this Act, and also the lands to be acquired for the purpose thereof, and every matter and thing therewith connected, shall be and they are hereby specially charged, pledged, mortgaged and hypothecated, for the repayment of any sum or sums which may be borrowed by the said corporation for the purposes of this Act, as well as for the due and punctual payment of the interest thereupon, and all, each and every of the holders of the debentures in the last previous section mentioned, shall have a preferential pledge, mortgage, hypothec or privilege on the said lands, water works, and property appertaining thereto, for securing the payment of the said debentures, and the interest thereon.

Application of revenue.

36. After the construction of the works, all the revenues arising from or out of the supplying of water, or from the real or personal property connected with the said water works, to be acquired by the said corporation under this Act shall, after providing for the expenses attendant upon the maintenance of the said water works, be paid over to, and deposited monthly with the treasurer of the said corporation of the Town of Peterborough, as hereinbefore provided, and shall make part of the general funds of the corporation, and may be applied accordingly.

Property not required may be disposed of.

37. The corporation of the Town of Peterborough may dispose of any real or personal property acquired by them for water works purposes, when no longer required, and until sold, demise and lease the same.

By-law for construction to be submitted to electors, etc.

38. This Act shall not have any force or effect until the council of the corporation of the Town of Peterborough shall pass a by-law authorizing the construction of the said water works; but no by-law shall be passed, firstly, until estimates of the intended expenditure have been published for one month.

and notice of the time appointed for taking a poll of the electors on the proposed by-law, has been published for one month, and a copy of the proposed by-law at length, as the same may be ultimately passed in council (except the date thereof,) has been
 5 published for one month in some newspaper in the Town of Peterborough; nor, secondly, until a poll has been held in the same manner and at the same places, and continued for the same time as at elections for council men, and unless a majority of the electors voting at the poll vote in favour of the by-law;
 10 nor, thirdly, unless the by-law is thereafter passed at some meeting of the council of the corporation of the Town of Peterborough, held not less than ten days after taking the said vote, nor more than one calendar month, and at some meeting of said council.

15 **39.** If the proposed by-law is rejected at such poll, no other by-law for the same purpose shall be submitted to the electors during the current year. Rejecting by-law.

40. The by-law shall recite (1) the title of this Act, (2) the amount of the estimated expenditure for water works, (3) the
 20 amount of debt which it is intended to create by the construction of said water works, which shall not exceed the amount of debentures authorized to be issued by this Act; Recitals in by-law.

(2.) The council of the town of Peterborough shall name the returning officers and poll clerks to take the votes. Returning officers.

25 (3.) The electors entitled to vote shall be such rate payers only as are voters on the last revised assessment roll of the town of Peterborough, for an estate of freehold, either legal or equitable, of sufficient value to entitle them to vote at any municipal election, or of a leasehold, the duration of which
 30 shall not be less than ten years, or for life, and in the lease for which leasehold the lessee covenants to pay all town taxes, and the clerk shall furnish the returning officers with a verified list of the electors; Qualification of electors.

(4.) Any rate payer offering to vote on any such by-law may
 35 be required by the returning officer, or any ratepayer entitled to vote, on any such by-law, to make the following oath or affirmation before his vote is recorded: Electors may be required to take an oath.

"I, A. B., do solemnly and sincerely make oath (or affirm, as
 40 the case may be) that I am the person named, or purporting to be named in the list of electors; that I am a freeholder, or leaseholder; (as the case may be) that my lease extends for the period of ten years from the time of making this oath or affirmation; (or for life,) that I am bound in such lease to pay all town taxes, and that I am, according to law, entitled to vote on
 45 the said by-law; Oath.

(5.) An elector may vote in each ward of the town in which he shall have the necessary qualification. Electors may vote in each ward where qualified.

(6.) Every returning officer shall, on the day after the closing of the poll, return his poll book verified, to the clerk of the
 50 town of Peterborough; and in case of the loss or destruction of the poll book, deliver a statement under oath, of the number of votes for and against the said by-law, at the time of the loss or destruction of the poll book; Return of returning officer.

(7.) The town clerk shall add up the number of votes for
 55 and against the same, and certify to the council whether the majority have affirmed or disapproved of the by-law. Town clerk to add up votes.

Irregularities
in by-laws or
debentures not
to invalidate
them.

41. No irregularity in the passing of the said by-law, or in the form of the said debentures, authorized by this Act, in the issuing thereof, shall render the same invalid or illegal, or be allowed as a defence to any action brought against the corporation for the recovery of the amount of said debentures and interest in any or either of them, or any part thereof. 5

Number of
commissioners.

42. There shall be three commissioners, of whom the Mayor of the Town of Peterborough for the time being, shall be *ex-officio* one, and two of whom shall be elected by the rate payers of the said town, qualified by municipal law to vote for councilmen, in manner and for the term hereinafter mentioned and provided; and the remuneration of the said commissioners shall be such as the council of the corporation of the town of Peterborough may, by by-law before their election, determine. 10

Their remuneration.

Term of office.

43. The said water commissioners shall hold office for the term of one year, except the commissioners first elected, who shall hold office until the third Monday of January next, following their election, and after the said first election, the commissioners shall be elected to the said office at the same time and in the same manner as councilmen, and all the provisions and remedies of the Municipal Institutions Act, at any time in force with respect to councilmen, shall apply in all particulars not inconsistent with this Act, to the said commissioners as to election, unseating, filling vacancies, grounds of disqualification and otherwise. 25

Election of
commissioners

44. Whenever the by-law authorizing the construction of the said water-works shall have been finally passed by the council, a meeting of the electors of the said Town shall take place for the nomination of two persons for the office of water commissioners, at such place as the council shall by by-law appoint, and the proceedings at such meeting shall be similar as in the case of the nomination for councilmen, but in case it become necessary to adjourn the proceedings by reason of more than the necessary number of candidates being proposed, such adjournment for holding the election shall not be until the first Wednesday thereafter, being not less than five clear days, when a poll shall be opened in each ward of the Town at the place or near thereto where the then last municipal election was held, and in all particulars the election shall be conducted in the same manner as an election for councilmen. 40

Vacancy.

45. A water commissioner may resign his office and shall cease to hold office for the same causes as by municipal law the seat of a council man in the council becomes vacant; in case of a vacancy in the office of water commissioner during the term of his office, the council of the corporation of Peterborough shall appoint a person to fill the vacancy, and the person so appointed shall hold office for the residue of the term for which his predecessor was elected or appointed, for which the office is to be filled. 45

Council to appoint.

Time for completion of the works.

46. The said works shall be constructed, completed and finished except as to the laying of additional pipes and mains, within three years from the passing of said by-law authorizing the construction of said water-works. 50

47. All work under the commissioners shall be performed by contract. Work to be done by contract.

48. No commissioner or councilman shall personally have or hold any contract in connection with said works or be directly or indirectly interested in the same or any of them; no councilman shall be eligible for election or appointment as a water commissioner, and no water commissioner as councilman. Qualification of commissioners.

49. The water commissioners shall have the same property qualification as by municipal law councilmen are required to have, over and above all encumbrances, and shall before taking office, and within ten days of their election or appointment, make oath to such qualification before some Justice of the Peace of the County of Peterborough, and deposit the same with the Town Clerk of the corporation of the Town of Peterborough. Commissioners property qualification. Oath of office.

50. Notwithstanding the provisions of this Act authorizing the construction of the said water-works through the agency of commissioners, the Corporation of the Town of Peterborough in the by-law authorizing the construction of said water-works, and referred to in the thirty-eighth section of this Act, may declare that the said water-works shall not be constructed by or through the agency of commissioners, but instead thereof that the said water works shall be constructed directly by the said Corporation of the Town of Peterborough; and in case the said corporation shall so desire to construct the said water-works then all the powers, rights, authorities, duties and liabilities by this Act given to, granted or vested in the said commissioners, shall be vested in the said corporation, and the said corporation shall be vested with all the powers, privileges and immunities necessary for carrying into effect the intentions and objects of this Act. Water works may be constructed by the corporation.

51. In case the Corporation of the Town of Peterborough shall not see fit to construct the said water-works by or through the agency of commissioners, or directly by the said corporation, the said corporation may in the by-law referred to in the thirty-eighth section of this Act, declare it advisable to have the said water-works constructed either by a corporate water company or by any other person or persons, and the said corporation may grant aid for the construction, in such manner as they may consider expedient. Water works may be constructed by a company.

52. In case the Corporation of the Town of Peterborough shall desire to construct the said water-works by either of the modes provided by the last two preceding sections of this Act, such mode shall be first approved of by a majority of the qualified voters, voting upon any by-law to be submitted for that purpose, and the question or questions respecting the adoption of either of such modes may be submitted by the council of the said corporation, for the approval of the qualified voters in the proposed by-law, mentioned in the thirty-eighth section of this Act, and the votes shall be given on each specific question which may be submitted, or the same may be submitted separately. Proceedings, if the town construct the works.

53. The Corporation of the Town of Peterborough shall have full power by by-law to confer on any person or persons, or Corporation may confer certain powers

on persons
constructing
the works.

corporations that may undertake the construction of said water works, all the powers privileges and immunities necessary to acquire the lands, water and privileges necessary for the establishment and construction of said water-works and the management thereof when constructed, which by this Act are conferred upon the commissioners or the Corporation of the Town of Peterborough. 5

No. 58.

3rd Session, 2nd Parliament, 37 Victoria, 1874.

BILL.

An Act for the construction of Water-works for the Town of Peterborough.

First Reading, 12th February, 1874.

(PRIVATE BILL.)

MR. READ.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act to incorporate The London Junction Railway Company."

WHEREAS, the construction of a railway from a point at Preamble.

or near the City of London to intersect the line of the Canada Southern Railway Company between the Town of St. Thomas and the Town of Tilsonburgh, or to a point at or near either of those places, has become desirable for the development of the resources of the City of London and the adjacent country : And whereas, a petition has been presented for the incorporation of a company for that purpose, and it is expedient to grant the prayer thereof :

10 Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Edward Harris, Ellis W. Hyman, Robert Reid, Joseph Incorporation.
Jeffery and James Magee, together with all such persons and
15 corporations as shall become shareholders in the company hereby incorporated shall be, and the same are hereby constituted a body corporate and politic, by and under the name of Corporate name.
" The London Junction Railway Company."

2. The several clauses of the Railway Act of the Consoli- Certain clauses of Railway Act to apply.
20 dated Statutes of Canada, and amendments with respect to the first, second, third, fourth, fifth and sixth clauses thereof, and also the several clauses thereof with respect to "interpretation," "incorporation," "powers," "plans and surveys," "lands and their valuation," "highways and bridges," "fences," "tolls,"
25 "general meeting," "president and directors their election and duties," "calls," "shares and their transfer," "municipalities," "shareholders," "actions for indemnity and fines, and penalties and their prosecution," "by-laws, notices, &c.," "working of the railway," and "general provisions," and all Acts in force in
30 this Province amending the same shall be incorporated with, and be deemed to be a part of this Act, and shall apply to the said company, and to the railway to be constructed by them except only so far as the same may be inconsistent with the express enactments hereof, and the expression "this Act," when
35 used herein shall be understood to include the clauses of the said Railway Act and amendments thereto so incorporated with this Act. Interpretation of the words "this Act."

3. The said company shall have full power to lay out and Location of line.
construct a double or single railway of any gauge from a point
40 at or near the City of London to intersect the line of the Canada Southern Railway Company between the Town of St. Thomas, in the County of Elgin, and the Town of Tilsonburgh, in the County of Oxford, or to a point at or near either of those

places, with full power and authority to pass over any part of the country between the points aforesaid, and to construct the said railway through the Crown lands lying between the said points or on the line of the said railway.

Provisional
directors =

4. The persons named in the first section of this Act shall be 5
and are hereby constituted provisional directors of the said
company of whom three shall be a quorum, and shall have
power to fill vacancies occurring, and to add not more than eight
to their number, and shall hold office as such until the first elec- 10
tion of directors under this Act; and shall have power forthwith
to open stock books and procure subscriptions of stock for the
undertaking, and to receive payment for stock subscribed, and
make calls upon subscribers in respect of their stock, and to
sue for and recover the same; and to cause plans and surveys 15
to be made; and to deposit in any chartered bank of Canada, all
moneys received by them on account of stock subscribed,
and to withdraw the same for the purpose of the under-
taking; and to receive for the company any grant, loan, bonus
and gift made to it or in aid of the undertaking; and to enter 20
into any agreement respecting the conditions or disposition of any
gift or bonus in aid of the railway and with all such other
powers as under the Railway Act of the Consolidated Statutes
of Canada are vested in ordinary directors.

Powers.

Capital stock.

5. The capital stock of the said company shall be one hun-
dred thousand dollars (with power to increase the same in 25
manner provided by the Railway Act) to be divided into
shares of one hundred dollars each, and the money so raised
shall be applied in the first place to the payment of all fees and
expenses for procuring the passing of this Act, and for making
the surveys, plans and estimates connected with the works 30
hereby authorized, and all other preliminary expenses connected
with the undertaking, and all the remainder of such money
shall be applied to the making, equipping, completing and main-
taining the said railway, and otherwise generally for the pur-
poses of this Act; and until such preliminary expenses shall be 35
paid out of said capital stock, the municipal corporation of any
township on or near the line of said railway may pay out of the
general funds of such municipality the said preliminary ex-
penses or a proportion of the preliminary expenses, which shall
thereafter if such municipality shall so require, be refunded to 40
such municipality from the capital stock of said company, or be
allowed to it in payment of stock.

Ten per cent.
to be paid in
stock.

6. No subscription for stock in the capital of the company
shall be binding on the company unless ten percentum of the sum
subscribed has been actually paid thereon into some chartered 45
bank to be designated by the directors to the credit of the
company within one month after the same has been so sub-
scribed.

General meet-
ing.

7. As soon as shares to the amount of one-half of the capital
stock of said company shall have been subscribed and ten per 50
centum thereof paid into some chartered bank in the City of
London, and on no account to be drawn therefrom unless for
the services of the company, the directors shall call a general
meeting of the subscribers to the said capital stock, who shall
have paid in ten per centum of their shares at the City of Lon- 55
don, for the purpose of electing directors of the said company.

8. At such general meeting, the subscribers for the capital stock assembled with such proxies as may be present, shall choose five persons to be directors of the said company, (of whom three shall be a quorum) and may also pass such rules, regulations and by-laws, with reference to the said company as may be deemed expedient, provided they be not inconsistent with this Act. Election of directors.
9. No person shall be qualified to be elected as such director by the shareholders unless he be a shareholder holding at least ten shares of stock in the company, and unless he has paid all calls thereon. Qualification of directors.
10. Thereafter the general annual meeting of the shareholders of the said company, shall be held at such place in the City of London and on such days and at such hours as may be directed by the by-laws of the company, and public notice thereof shall be given at least fourteen days previously in one or more newspapers published in the city of London aforesaid. Time and place of meetings.
Notice.
11. Notwithstanding anything in the Act passed in the thirty-fifth year of the reign of Her Majesty Queen Victoria, chaptered seventy-five, or any other Act, it shall be lawful for the corporation of the City of London to grant a bonus to the said railway. London may grant bonus.
12. Special general meetings of the shareholders of the said company may be held at such places in the City of London, and at such times and in such manner, and upon the notice mentioned in the last preceeding section, and for such purposes as may be prescribed by the by-laws of the company. Special meetings of shareholders.
13. Every shareholder holding one or more shares of the said capital stock shall, at any general meeting of the shareholders, be entitled to one vote for every share held by him or her, and no shareholder shall be entitled to vote on any matter whatever, unless all calls due upon the stock upon which such shareholder seeks to vote shall have been paid up at least one month before the day appointed for such meeting. Scale of votes.
14. It shall be lawful for the Corporation the City of London or any municipality or municipalities which, or any portion or portions of which, may desire to assist in the construction of the said railway or any part thereof, to aid and assist the said company by loaning or guaranteeing or giving money, by way of bonus or other means, to the said company, or issuing municipal bonds or debentures to or in aid of the said company, and otherwise in such manner and to such extent as such municipalities or any of them, or any portion or portions of any them, shall think expedient: Provided always, that such aid, loan, bonus, or guarantee shall be given under a by-law for the purpose, to be passed in conformity with the provisions in that behalf, of the Acts respecting municipal institutions, and all such by-laws so passed shall be valid: provided that the annual rate of assessment shall not exceed the aggregate rate of three cents on the dollar on the actual value of the whole ratable property within the municipality, or portion or portions of the municipality creating the debt. Aid from municipalities.
Proviso.

If portion of a
municipality
desire to aid,
council to pass
a by-law,

for issuing
debentures,

for levying a
rate.

On presenta-
tion of peti-
tion, head
officer of
Council to call
a meeting.

15. In case fifty or more persons, rated on the then last revised assessment roll of any municipality as freeholders, who shall be qualified voters under the Municipal Act in any portion of a municipality, other than a county municipality, do petition the council of such municipality, in such petition expressing the desire of the petitioners to aid in the construction of such railway, by giving a bonus to the said company, and stating the amount which they so desire to grant and be assessed for, and to pass a by-law, as hereinafter set out, such petition to define the metes and bounds of the section of the municipality within which the property of the petitioners is situated and from which it shall be intended to ask such bonus, or in the case of a county municipality, if fifty or more persons of the qualified ratepayers in the portion thereof sought to be affected, or the majority of the reeves or deputy reeves of the townships, towns, and incorporated villages, which or any portion of any of which may be asked to grant a bonus, and such reeves and deputy reeves do petition the council of such county municipality to pass a by-law, as hereinafter set out, and in such petition do define the townships, towns, or incorporated villages, or the portion or portions thereof, from which it shall be intended to ask such bonus, and expressing the desire of the petitioners to aid in the construction of the said railway, by granting a bonus to the said company, and stating the amount they so desire to grant and to be assessed therefor; the council of such county or other municipality shall pass a by-law which shall, however, before finally becoming valid, be approved of in manner required by the Municipal Acts, by the majority of the qualified voters voting thereon in the portion or the portions of the municipality in which the aid thereby given is to be raised: First, for raising the amount so petitioned for, in such portion of the municipality, by the issue of debentures of the municipality, payable in twenty years or earlier, or by not more than twenty equal annual instalments with interest, such interest to be payable yearly or half-yearly, as in such petition mentioned, and for the delivery to the trustees, to be appointed as hereinafter mentioned, of the debentures issued for the amount of such bonus, at the times and on the terms specified in such petition: Second, for assessing and levying upon all ratable property, lying within the section defined by said petition, an equal annual special rate sufficient to include a sinking fund for the repayment of the debentures with the interest thereon, which debentures the municipal councils, wardens, reeves, and other officers thereof are hereby authorized and required to execute in such cases respectively.

16. Upon such petition being delivered to him it shall be the duty of the warden or other head of the council, within one week thereafter, to call a meeting of the council, to be held within one month of the calling thereof, for the purpose of introducing such by-law and submitting the same to the ratepayers, and the same shall be submitted to the ratepayers to vote thereon, within two months from the date of such meeting of the council, and within six weeks after the approval of such by-law by the majority of the said voters voting thereon, the said council shall finally pass the same, and within one month thereafter the said council and warden, mayor, reeve or other head thereof, and the other officers thereof, shall issue the debentures for the bonus thereby granted, and deliver the same

to the trustees to be appointed under this Act : Provided always, Provido. that in case of any of the Acts hereinbefore mentioned shall not be done within the periods herein mentioned, such Acts shall not, on that account, be invalid, but shall be as valid and effectual to all intents and purposes as if the same had been done or taken within such periods herein specified.

17. The provisions of the Municipal Act, so far as the same are not inconsistent with this Act, shall apply to any by-law so passed by or for a portion of a municipality or county municipality, to the same extent as if the same had been passed by or for the whole municipality or county municipality. Municipal Act to apply.

18. In case any bonus be so granted as aforesaid, by or for a portion of a local municipality, the rate to be levied for the payment of the debentures issued therefor, and the interest thereon, shall be assessed and levied upon such portion only of the municipality or county municipality. Bonuses by portions of municipalities.

19. Any county municipality in which county is or are situate any township or townships which, or any portion of any of which shall have granted a bonus or bonuses in aid of the said company, shall be at liberty to take the debentures of such township or townships issued therefor, and in exchange therefor to deliver over to the said company or to the trustees, to be appointed hereunder, the debentures of such county, on a resolution being passed to that effect by a majority of the county council ; and it shall not be necessary to submit any such resolution to the vote or for the approval of the ratepayers. Exchange of debentures between counties and townships.

20. It shall be lawful for the corporation of any municipality through any part of which the said railway passes or is situate, by by-law specially passed for that purpose, to exempt the said company and its property within such municipality or any part thereof from municipal assessment or taxation, or to fix the assessable value of said property for a term of years, or to agree to a certain sum per annum, or otherwise in gross, or by way of commutation or composition for payment, in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years not exceeding twenty-one years as such municipal corporation may deem expedient ; and any such by-law shall not be repealed unless in conformity with a condition therein contained. Exemption from taxation.

21. Whenever a municipality or municipalities, or any portion or portions thereof, shall grant a bonus to aid said company, the debentures therefor shall be delivered to three trustees, one to be named by the said company, one by the Mayor of the City of London aforesaid, and one by the Lieutenant-Governor in Council : Provided that if the said Mayor of the City of London neglect or refuse to name a trustee within four weeks after notice in writing to him of the appointment by the company of a trustee, then the company shall be at liberty to name such other trustee instead of the said Mayor ; and in the event of the death, resignation, or inability or refusal to act of any trustee, the party who originally appointed such trustee may appoint a successor, and in the event of such party failing for two weeks after written notice to appoint such successor, the company may make such appointment. The act of any two trustees shall be as valid and binding as if the three had agreed. Debentures to be delivered to trustees.

Trust on which
debentures to
be held.

22. The said trustees shall receive the said debentures firstly, to convert the same into money, secondly, to deposit the moneys realised therefrom in some of the chartered banks having an office at the city of London, in the name of "The London Junction Railway Municipal Trust Fund," and to pay 5 the same out to the said company from time to time on the certificate of the chief engineer of the said railway, in the form set out in schedule "A" hereto, or to the like effect setting out the portion of the portion of the railway, to which the money paid 10 out is to be applied, and the total amount expended on such portion to the date of such certificate, and that the sum so certified does not exceed the *pro rata* amount per mile for the length of the road or portion of the road, to be applied on the work so done, and such certificate shall be attached to the 15 cheques to be drawn by the said trustees, and the wrongfully granting any such certificate by such engineer, shall be punishable by fine of not less than one hundred dollars, recoverable in any court of competent jurisdiction in Ontario.

Issue of bonds.

23. The Directors of the said company are hereby authorized and empowered to issue bonds for the purpose of raising money 20 for prosecuting the said undertaking; and such bonds shall without registration or formal conveyance, be taken and considered to be the first and preferential claims and charges upon the undertaking and present and future property of the company, including rolling stock and equipments; and each holder 25 of said bonds shall be deemed to be a mortgagee and encumbrancer *pro rata*, with all the other holders thereof upon the

Limit to issue.

undertaking and the property of the company; provided that the whole amount of such issue of bonds, shall not exceed in all the sum of fifteen thousand dollars per mile, nor shall the 30 amount of each bond issued at any one time be in excess of municipal and other bonuses and paid up share capital, actually expended in surveys, purchase of right of way and works of construction and equipment upon the line of said railway, or materials actually purchased, paid for and delivered to the 35 company.

Bonds may be
made payable
to bearer.

24. All such bonds, debentures and other securities, and coupons and interest warrants, thereon respectively, may be made payable to bearer and transferable by delivery.

Negotiable
instruments.

25. The said company shall have power and authority to 40 become parties to promissory notes and bills of exchange for sums not less than one hundred dollars, and any such promissory note or bill of exchange, made or endorsed by the president or vice-president of the company, and countersigned by the secretary of the said company and under the authority 45 of a quorum of the directors, shall be binding on the said company, and every such promissory note or bill of exchange so made shall be presumed to have been made with the proper authority, until the contrary be shewn, and in no case shall it be necessary to have the seal of the said company affixed to 50 such promissory note or bill of exchange, nor shall the president or vice-president, or the secretary be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted: Provided how- 55 ever that nothing in this section shall be construed to authorize

the said company to issue any note or bill of exchange payable to bearer, or intended to be circulated as money or as the notes or bills of a bank.

26. The said Company may enter into any arrangement with
 5 any other railway company or companies for the working of the said Railway, on such terms and conditions as the directors of the several companies may agree on ; or for leasing or hiring from such other company or companies any portion of their railway, or the use thereof; or for the leasing or hiring of any
 10 locomotives, and generally to make any agreement or agreements, with any other company touching the use by one or the other, or by both companies, of the railway, or rolling stock, or either or both or any part thereof, or touching any service to be rendered by the one company to the other, and the compensation therefor; and any such agreement shall be valid and binding according to the tenor thereof: Provided that the assent of at least two-thirds of the shareholders shall be first obtained at a general special meeting to be called for the purpose, according to the by-laws of the company and the provisions of
 20 this Act; and the company or companies leasing or entering into agreements for using the said line may and are hereby authorized to work the said Railway in the same manner and in all respects as if incorporated with its own line.
- Company may arrange with other companies as to leasing their line, &c.

Proviso.

27. The said Company hereby incorporated may from time
 25 to time, for advances of money to be made thereon, mortgage or pledge any bonds which they can, under the powers of this Act legally issue for the construction of the railway, or otherwise.
- Power to mortgage bonds.

SCHEDULE A.

[(Section 22).]

CHIEF ENGINEER'S CERTIFICATE.

The London Junction Railway Company's Office,
 Engineer's Department, A.D. 187 .

No.

Certificate to be attached to cheques drawn on the London Junction Railway Municipal Trust Fund, and given under section of chapter 37 Vict.

I, Chief Engineer of the London Junction Railway Company, do hereby certify that there has been expended in the construction of mile No. , said mileage being numbered from the terminus of the said Railway to the City of London, the sum of dollars to date and that the total *pro rata* amount due for the same from the said fund amounts to dollars, which said sum of dollars is now due and payable as provided under said Act.

3rd Session, 2nd Parliament, 37 Victoria, 1874.

BILL.

An Act to incorporate the London Junction
Railway Company.

First Reading, 13th February, 1874.

PRIVATE BILL.

MR. BETHUNE.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act to incorporate The London Junction Railway Company.

WHEREAS, the construction of a railway from a point at Preamble.
 or near the City of London to intersect the line of the
 Canada Southern Railway Company between the Town of St.
 Thomas and the Town of Tilsonburgh, or to a point at or near
 5 either of those places, has become desirable for the develop-
 ment of the resources of the City of London and the adjacent
 country : And whereas, a petition has been presented for the
 incorporation of a company for that purpose, and it is expedient
 to grant the prayer thereof :

10 Therefore, Her Majesty, by and with the advice and consent
 of the Legislative Assembly of the Province of Ontario, enacts
 as follows :

1. Edward Harris, Ellis W. Hyman, Robert Reid, Joseph Incorporation.
 Jeffery and James Magee, together with all such persons and
 15 corporations as shall become shareholders in the company
 hereby incorporated shall be, and the same are hereby consti-
 tuted a body corporate and politic, by and under the name of Corporate
 " The London Junction Railway Company." name.

2. The several clauses of the Railway Act of the Consoli- Certain clauses
 20 dated Statutes of Canada, and amendments with respect to the of Railway
 first, second, third, fourth, fifth and sixth clauses thereof, and Act to apply.
 also the several clauses thereof with respect to " interpretation,"
 " incorporation," " powers," " plans and surveys," " lands and
 their valuation," " highways and bridges," " fences," " tolls,"
 25 " general meeting," " president and directors their election and
 duties," " calls," " shares and their transfer," " municipalities,"
 " shareholders," " actions for indemnity and fines, and penalties
 and their prosecution," " by-laws, notices, &c.," " working of
 the railway," and " general provisions," and all Acts in force in
 30 this Province amending the same shall be incorporated with,
 and be deemed to be a part of this Act, and shall apply to the
 said company, and to the railway to be constructed by them
 except only so far as the same may be inconsistent with the
 express enactments hereof, and the expression " this Act," when
 35 used herein shall be understood to include the clauses of the Interpretation
 said Railway Act and amendments thereto so incorporated with of the words
 this Act. " this Act."

3. The said company shall have full power to lay out and Location of
 construct a double or single railway of any gauge from a point line.
 50 at or near the City of London to intersect the line of the Ca-
 nada Southern Railway Company between the Town of St.
 Thomas, in the County of Elgin, and the Town of Tilsonburgh,
 in the County of Oxford, or to a point at or near either of those

places, with full power and authority to pass over any part of the country between the points aforesaid, and to construct the said railway through the Crown lands lying between the said points or on the line of the said railway.

Provisional
directors.

4. The persons named in the first section of this Act shall be and are hereby constituted provisional directors of the said company of whom three shall be a quorum, and shall have power to fill vacancies occurring, and to add not more than eight to their number, and shall hold office as such until the first election of directors under this Act; and shall have power forthwith to open stock books and procure subscriptions of stock for the undertaking, and to receive payment for stock subscribed, and make calls upon subscribers in respect of their stock, and to sue for and recover the same; and to cause plans and surveys to be made; and to deposit in any chartered bank of Canada, all moneys received by them on account of stock subscribed, and to withdraw the same for the purpose of the undertaking; and to receive for the company any grant, loan, bonus and gift made to it or in aid of the undertaking; and to enter into any agreement respecting the conditions or disposition of any gift or bonus in aid of the railway and with all such other powers as under the Railway Act of the Consolidated Statutes of Canada are vested in ordinary directors.

Powers.

Capital stock.

5. The capital stock of the said company shall be one hundred thousand dollars (with power to increase the same in manner provided by the Railway Act) to be divided into shares of one hundred dollars each, and the money so raised shall be applied in the first place to the payment of all fees and expenses for procuring the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized, and all other preliminary expenses connected with the undertaking, and all the remainder of such money shall be applied to the making, equipping, completing and maintaining the said railway, and otherwise generally for the purposes of this Act; and until such preliminary expenses shall be paid out of said capital stock, the municipal corporation of any township on or near the line of said railway may pay out of the general funds of such municipality the said preliminary expenses or a proportion of the preliminary expenses, which shall thereafter if such municipality shall so require, be refunded to such municipality from the capital stock of said company, or be allowed to it in payment of stock.

Ten per cent.
to be paid in
stock.

6. No subscription for stock in the capital of the company shall be binding on the company unless ten per centum of the sum subscribed has been actually paid thereon into some chartered bank to be designated by the directors to the credit of the company within one month after the same has been so subscribed.

General meet-
ing.

7. As soon as shares to the amount of one-half of the capital stock of said company shall have been subscribed and ten per centum thereof paid into some chartered bank in the City of London, and on no account to be drawn therefrom unless for the services of the company, the directors shall call a general meeting of the subscribers to the said capital stock, who shall have paid in ten per centum of their shares at the City of London, for the purpose of electing directors of the said company.

8. At such general meeting, the subscribers for the capital stock assembled with such proxies as may be present, shall choose five persons to be directors of the said company, (of whom three shall be a quorum) and may also pass such rules, regulations and by-laws, with reference to the said company as may be deemed expedient, provided they be not inconsistent with this Act.

Election of :
directors.

9. No person shall be qualified to be elected as such director by the shareholders unless he be a shareholder holding at least ten shares of stock in the company, and unless he has paid all calls thereon.

Qualification
of directors.

10. Thereafter the general annual meeting of the shareholders of the said company, shall be held at such place in the City of London and on such days and at such hours as may be directed by the by-laws of the company, and public notice thereof shall be given at least fourteen days previously in one or more newspapers published in the city of London aforesaid.

Time and
place of
meetings.

Notice.

11. Notwithstanding anything in the Act passed in the thirty-fifth year of the reign of Her Majesty Queen Victoria, chaptered seventy-five, or any other Act, it shall be lawful for the corporation of the City of London to grant a bonus to the said railway.

London may
grant bonus.

12. Special general meetings of the shareholders of the said company may be held at such places in the City of London, and at such times and in such manner, and upon the notice mentioned in the last preceeding section, and for such purposes as may be prescribed by the by-laws of the company.

Special meet-
ings of share-
holders.

13. Every shareholder holding one or more shares of the said capital stock shall, at any general meeting of the shareholders, be entitled to one vote for every share held by him or her, and no shareholder shall be entitled to vote on any matter whatever, unless all calls due upon the stock upon which such shareholder seeks to vote shall have been paid up at least one month before the day appointed for such meeting.

Scale of votes.

14. The said company may receive from any Government, or from any persons or bodies corporate, municipal or politic, who may have power to make or grant the same, aid towards the construction, equipment, or maintenance of the said railway, by way of bonus, gift, or loan in money, or debentures, or other securities for money, or by way of guarantee, upon such terms and conditions as may be agreed upon.

Aid to com-
pany by go-
vernment, &c.

15. Any municipal corporation, or any portion of a municipality, which may be interested in securing the construction of the said railway, or through any part of which, or near which, the railway or works of the said company shall pass or be situate, may aid the said company by giving money or debentures, by way of bonus, gift, or loan, or by the guarantee of the municipal corporation, under and subject to the provisions hereinafter contained, which are to be taken as applicable thereto, instead of sections four hundred and seventy-two, four hundred and seventy-three, and four hundred and seventy-four of the Municipal Institutions Act: Provided always that no such aid shall

Aid from
municipalities.

be given, except after the passing of a by-law for the purpose and the adoption of such by-law by the qualified ratepayers of the municipality or portion of municipality, (as the case may be,) as provided in the Municipal Act for the creation of debts.

**Manner of
submitting
by-laws.**

16. Such by-law shall be submitted by the municipal council 5
to the vote of the ratepayers in manner following, namely:—

1. The proper petition shall first be presented to the council, expressing the desire to aid the railway, and stating in what way and for what amount, and the council shall within six weeks after the receipt of such petition by the clerk of the 10
municipality introduce a by-law to the effect petitioned for, and submit the same for the approval of the qualified voters;

2. In the case of a county municipality the petition shall be that of a majority of the reeves and deputy reeves, or of twenty resident freeholders in each of the minor municipalities of the 15
county, who are qualified voters under the Municipal Act;

3. In the case of other municipalities, the petition shall be that of a majority of the council thereof, or of twenty resident freeholders, being duly qualified voters as aforesaid;

4. In the case of two or more minor municipalities, or sec- 20
tions of two or more such municipalities, or of two or more such municipalities with a section or sections of one or more minor municipalities forming part of a county municipality, the petition is to be presented to the county council, describing the portions to be grouped, and defining any sections by metes and 25
bounds, and shall be that of a majority of each of the councils of such minor municipalities respectively, or of twenty resident freeholders in each of the said minor municipalities, or sections proposed to be grouped, being duly qualified voters as afore- 30
said.

**Aid from por-
tions of county
municipalities.**

17. Where a portion of the county municipality petitions to aid the railway, it shall be such portion only as shall consist of two or more minor municipalities or sections thereof, through which the line of railway is to be constructed, or which will be benefited thereby, and such minor municipalities and sections 35
thereof shall lie contiguous; but no minor municipality or section thereof which is subject to a county or other by-law in aid of the same railway, shall be thus grouped without the consent of the majority of the duly qualified voters therein expressed to that end, when voting upon the proposed by-law. 40

**Grouping
minor munici-
palities.**

**Proceedings
on opposing
submission of
by-law.**

18. In case of aid from a county municipality, or from a grouped portion thereof, twenty resident freeholders of the county or portion comprised in the proposed by-law (as the case may be) may petition the county council against submitting the said by-law, upon the ground that certain minor municipa- 45
lities or portions thereof comprised in the said by-law would be injuriously affected thereby, or upon any other ground ought not to be included therein, and upon deposit by the petitioners with the treasurer of the county of a sum sufficient to defray the expense of such reference, the said council shall forthwith 50
refer the said petition to three arbitrators, one being the judge of the county court, one being the registrar of the county, or of the riding in which the county town is situate, and one being an engineer appointed by the Commissioner of the Department of Public Works for Ontario, who shall have power to confirm 55
or amend the said by-law by excluding any minor municipality

Arbitration.

or any section thereof therefrom, and the decision of any two of them shall be final; and the by-law so confirmed or amended, shall thereupon at the option of the railway company be submitted by the council to the duly qualified voters; and in case
 5 the by-law is confirmed by the arbitrators, the expense of the reference shall be borne by the petitioners against the same, but if amended, then by the railway company or the county as the arbitrators may order.

10 **19.** In the case of a portion of the county municipality being formed into a group, the by-law to be submitted shall be that of the county, but the rate to be levied for payment of the debentures issued thereunder, and the interest thereon, shall be assessed and levied upon such portions only of the county municipality, and on the voting thereon shall be limited to the duly qualified
 15 voters in such portions only.

Rate to be levied only on the part of municipality granting bonus.

20. Before any such by-law is submitted, the railway company shall deposit with the treasurer of the municipality a sum sufficient to pay the expenses to be incurred in submitting said by-law.

County to make deposit for expenses.

20 **21.** The term "minor municipality" shall be constructed to mean any town not separated from the municipal county, township, or incorporated village, situate in the county municipality.

Interpretation of words "minor municipality."

25 **22.** No by-law shall be valid, or shall be submitted to such vote for granting aid to the railway which shall require the levying of a greater aggregate annual rate for all purposes, exclusive of school rates, than three cents in the dollar upon the value of the ratable property in each of the minor municipalities or section affected thereby; but for the purpose of such aid,
 30 the amount of the aggregate annual rate to be levied in any such municipality or section, may exceed the two cents in the dollar limited by the Municipal Act.

By-laws to be valid, though the annual rate exceed two cents in the dollar.

23. Such by-law shall in each instance provide

Provisions of by-law.

35 (1.) For raising the amount petitioned for in the municipality or portions of the county municipality (as the case may be) mentioned in the petition by the issue of debentures of the county or minor municipality, respectively, and shall also provide for the delivery of the said debentures, or the application of the amount to be raised thereby, as may be expressed in the
 40 said by-law.

(2.) For assessing and levying upon all ratable property lying within the municipality or portions of the county municipality defined in said by-law (as the case may be) an annual special rate sufficient to include a sinking fund for the repayment of
 45 the said debentures, within twenty years, with interest thereon, payable yearly or half-yearly, or by equal annual instalments of principal and interest, which debentures the respective municipal councils, warden, reeves, and other officers thereof are hereby authorized to execute and issue in such cases respectively: Provided, that in case the sum raised under the authority of such by-law is invested in the capital stock or bonds of
 50 the railway company or loaned thereon, the council of the municipality holding such stock or bonds may sell and dispose of the same or any part thereof, and shall in such case apply the

moneys received therefor in payment of the said debentures and interest.

If by-law defeated, limit of time for submitting similar one.

24. In case the by-law submitted is not approved of, no other by-law which is in substance the same, shall be submitted to the voters of the same municipality or portions of the county municipality, until after the expiration of six months from such rejection. 5

If by-law carried, council to pass the same,

25. In case the by-law submitted be approved of or carried by a majority of the votes given thereon, then within four weeks after the date of such voting, the municipal council which submitted the same, shall read the said by-law a third time and pass the same. 10

and issue the debentures.

26. Within one month after the passing of such by-law, the said council, and the warden, reeve or other officers thereof, shall issue or dispose of the debentures necessary to raise the sum mentioned in such by-law, and otherwise act according to the terms thereof. 15

Corporation may exchange their debentures for those of the townships.

27. The corporation of any county municipality shall be at liberty to take the debentures issued by any township in aid of the railway company, and give in exchange therefor to the said township a like amount of the debentures of the said county, on a resolution to that effect being passed by the county council, but the township municipality shall in such case keep the county municipality fully indemnified against any rate or liability in respect of said debentures. 20 25

Trustees or municipal debentures.

28. Whenever any municipality or portion of a county municipality shall grant aid by way of bonus or gift to the railway company, the debentures therefor, shall within six months after passing of the by-law authorizing the same, be delivered to three trustees, to be named, one by the Lieutenant-Governor in Council, one by the said company, and one by the majority of the heads of the municipalities which have granted bonuses; all of the trustees to be residents of the Province of Ontario: Provided, that if the said Council shall refuse or neglect to name such trustee, or if the Lieutenant-Governor in Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustees, the company shall be at liberty to name such other trustee or other trustees; any of the said trustees may be removed and a new trustee appointed in his place at any time, by the Lieutenant-Governor in Council, with the consent of the said company, and in case any trustee die, or resign his trust, or go to live out of Ontario, or otherwise become incapable to act, his trusteeship shall become vacant, and a new trustee may be appointed by the Lieutenant-Governor in Council, with the consent of said company. 30 35 40 45

Trusts on which debentures are to be held.

29. The said trustees shall receive the said debentures or bonds in trust: firstly, under the direction of the company, to convert the same into money; secondly, to deposit the amount realized from the sale in some of the chartered banks having an office in this Province, in the name of "The London Junction Railway Municipal Trust Account," and to pay the same out to the said company from time to time, on the certificate of the 50

chief engineer of the said railway, in the form set out in schedule A hereto, or to the like effect, setting out the portion of the railway to which the money to be paid out is to be applied, and that the sum so certified for, is in pursuance of the terms and conditions of the by-law, and such certificate is to be attached to the cheques to be drawn by the said trustees; and such engineer shall not wrongfully grant any such certificate under penalty of one hundred dollars, recoverable in any county court by any person who may sue therefor.

10 **30.** The trustees shall be entitled to their reasonable fees and charges from said trust fund, and the act of any two of such trustees to be as valid and binding as if the three had agreed. Trustees' fees. Act of two to govern.

15 **31.** Any municipality which shall grant a bonus of not less than fifty thousand dollars in aid of the said company may stipulate that it shall be entitled to name a director in the said company as the representative of such municipality; and such director shall be, in addition to the directors elected by the shareholders, and shall not be required to be a shareholder in the company, and shall continue in office as a director in the said company until his successor shall be appointed by the municipality which he represents. Municipal directors.

25 **32.** Any municipality through which the said railway may pass is empowered to grant by way of gift to the said company any lands belonging to such municipality, which may be required for right of way, station grounds, or other purposes connected with the running or traffic of the said railway; and the said railway company shall have power to accept gifts of land from any Government or any person or body politic or corporate, and shall have power to sell or otherwise dispose of the same for the benefit of the said company. Company may receive gifts of lands.

30 **33.** It shall further be lawful for the council of any municipality in which any part of the railway of the company is situate, by by-law specially passed for that purpose, to exempt the said company and its property within such municipality, either in whole or in part, from municipal assessment or taxation, or to agree to a certain sum per annum, or otherwise in gross, or by way of commutation or composition for payment; or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years, and any such by-law shall not be repealed unless in conformity with a condition contained therein. Municipalities may exempt Company from taxation.

45 **34.** It shall and may be lawful for the council of any municipality that may grant a bonus to the company, and they shall have full power to extend the time for completion of the works, on the completion of which the said company would be entitled to such bonuses. Council may extend time.

50 **35.** It shall be lawful for the council of any township or county municipality interested in the said extension branches, or any of them, and without complying with the requirements of any Act providing for the creation of debts by municipal corporations on behalf of such township or county municipa- Councils may contribute towards preliminary expenses.

lities, to bear all, or part of the costs, charges and expenses of, and incidental to the submission of any by-law to the said qualified voters for granting a bonus to the said company, or may give the said company a bonus on account of such costs, charges and expenses; Provided always that no one such bonus shall exceed five thousand dollars. 5

Municipalities may agree as to application of bonus.

36. Whenever any municipality or portion of a municipality shall aid, loan, guarantee or give money or bonds by way of bonus to aid the making, equipment, and completion of said extension and branches, or any part or parts thereof, it shall be lawful for the said company to enter into a valid agreement with any such municipality binding the said company to expend the whole of such aid so given upon works of construction, within the limits of the municipality granting the same. 10

Issue of bonds.

37. The Directors of the said company are hereby authorized and empowered with the sanction of the shareholders, to issue bonds for the purpose of raising money for prosecuting the said undertaking; and such bonds shall without registration or formal conveyance, be taken and considered to be the first and preferential claims and charges upon the undertaking and present and future property of the company, including rolling stock and equipments; and each holder of said bonds shall be deemed to be a mortgagee and encumbrancer *pro rata*, with all the other holders thereof upon the undertaking and the property of the company; Provided, that the whole amount of such issue of bonds, shall not exceed in all the sum of fifteen thousand dollars per mile, nor shall the amount of each bond issued at any one time be in excess of municipal and other bonuses and paid up share capital, actually expended in surveys, purchase of right of way and works of construction and equipment upon the line of said railway, or materials actually purchased, paid for, and delivered to the company. 15 20 25 30

Bonds may be made payable to bearer.

38. All such bonds, debentures and other securities, and coupons and interest warrants thereon respectively, may be made payable to bearer and transferable by delivery. 35

Negotiable instruments.

39. The said company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars, and any such promissory note or bill of exchange, made or endorsed by the president or vice-president of the company, and countersigned by the secretary of the said company and under the authority of a quorum of the directors, shall be binding on the said company, and every such promissory note or bill of exchange so made shall be presumed to have been made with the proper authority, until the contrary be shewn, and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange, nor shall the president or vice-president, or the secretary be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted: Provided, however, that nothing in this section shall be construed to authorize the said company to issue any note or bill of exchange payable to bearer, or intended to be circulated as money or as the notes or bills of a bank. 40 45 50

40. The said Company may enter into any arrangement with any other railway company or companies for the working of the said Railway, on such terms and conditions as the directors of the several companies may agree on; or for leasing or hiring from such other company or companies any portion of their railway, or the use thereof; or for the leasing or hiring of any locomotives, and generally to make any agreement or agreements, with any other company touching the use by one or the other, or by both companies, of the railway, or rolling stock, or either or both or any part thereof, or touching any service to be rendered by the one company to the other, and the compensation therefor; and any such agreement shall be valid and binding according to the tenor thereof: **Provided** that the assent of at least two-thirds of the shareholders shall be first obtained at a general special meeting to be called for the purpose, according to the by-laws of the company and the provisions of this Act; and the company or companies leasing or entering into agreements for using the said line may and are hereby authorized to work the said Railway in the same manner and in all respects as if incorporated with its own line.

Company may arrange with other companies as to leasing their line, &c.

Proviso.

41. The said Company hereby incorporated may from time to time, for advances of money to be made thereon, mortgage or pledge any bonds which they can, under the powers of this Act legally issue for the construction of the railway, or otherwise.

Power to mortgage bonds.

42. Whenever it shall be necessary for the purpose of procuring sufficient lands for stations or gravel pits, ballast for constructing, maintaining and using the said railway, and in case by purchasing the whole or any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price, or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use and enjoy such lands, and also, the right of way thereto, if the same be separated from their railway, and sell and convey the same or part thereof from time to time as they may deem expedient.

Acquiring land for stations or gravel pits.

43. Where stone, gravel or any other material is or are required for the construction or maintenance of said railway, or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same are situate, for the purchase thereof, cause a provincial surveyor to make a map and description of the property so required; and they shall serve a copy thereof with their notice of arbitration as in case of acquiring the roadway; and the notice of arbitration, the award and the tender of the compensation shall have the same effect as in case of arbitration for the roadway; and all the provisions of the Railway Act as varied and modified by this Act, as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom lands may be taken or who may sell, shall apply to the subject matter of this section, and to the obtaining materials as aforesaid; and such proceedings may be had by the said company either for the right to the fee simple in the land from which said material shall be taken or for the right to take material for any time they shall think necessary; the notice of arbitration, in case arbitration is resorted to, to state the interest required.

Powers of the company as to stone, gravel, etc.

Form of
conveyances
to Company.

44. Conveyances of lands to the said company for the purposes of and powers given by this Act, made in the form set out in schedule B, hereunder written or to the like effect, shall be sufficient conveyances to the said company, their successors and assigns of the estate or interest, and sufficient bar of dower respectively of all persons executing the same, and such conveyances shall be registered in the same manner and upon such proofs of execution, as is required under the Registry Laws of Ontario, and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof and certificate endorsed on the duplicate thereof. 5 10

SCHEDULE A.

(Section 29).

CHIEF ENGINEER'S CERTIFICATE.

THE LONDON JUNCTION RAILWAY COMPANY'S OFFICE,
ENGINEER'S DEPARTMENT, A. D. 18

No.

Certificate to be attached to cheques drawn on The London Junction Railway Municipal Trust Fund Account.

I, , Chief Engineer for the The London Junction Railway Company, do hereby certify that the sum of \$ is required to be expended in the construction of the portion of the line extending from mile No. to mile No. , and that payment should be made to the Company of such amount from the Municipal Trust Account the same being in pursuance of the terms and conditions of the by-law of the Municipality of the of

SCHEDULE B.

(Section, 44.)

Know all men by these presents, that I (or we) (*insert the name or names of the vendor or vendors.*) in consideration of dollars, paid to me (or us) by "The London Junction Railway Company," the receipt whereof is hereby acknowledged, do grant and convey, and I (or we) (*insert the name or names of any party or parties*) in consideration of

dollars paid to me (or us) by the said Company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (*or those certain parcels as the case may be*) of land situate, (*describe the land*) the same having been selected and laid out by the said Company for the purposes of this railway, to hold with the appurtenances unto the said The London Junction Railway Company, their successors and assigns, (*here insert any other clauses, covenants or conditions required*) and I (or we) the wife (or wives) of the said do hereby bar my (or our dower) in the said lands.

As witness my (or our) hand and seal (or hands and seals,) this day of one thousand eight hundred and

Signed, sealed, and delivered }
in presence of }

L. S.

3rd Session, 2nd Parliament, 37 Victoria, 1874.

BILL.

An Act to incorporate The London Junction
Railway Company.

(Reprinted as amended.)

1st Reading, 13th February, 1874.

2nd Reading 12th March, 1874.

(PRIVATE BILL.)

Mr. HODGINS.

TORONTO :

PRINTED BY HUNTER, ROSE & Co.

An Act to incorporate the North Simcoe Junction
Railway Company.

WHEREAS the construction of a Railway from the Town Preamble.

of Barrie, in the County of Simcoe, or from some other point on the line of the Northern Railway of Canada, passing through the Townships of Vespra, Flos, Tiny and Tay, to the Village of Penetanguishene or to some other point on the shore of the Penetanguishene Bay, and with power to build a line of railway from either of said points to the Village of Midland, or to some other point on the shore of Gloucester Bay, now called Midland Bay, situate in the said Township of Tay, has become desirable in the development of the said county, and for the public convenience, and accommodation of the inhabitants thereof:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Alexander Manning, A. A. Thompson, H. H. Thompson, Incorporation.
George Copeland, W. M. Kelly, H. E. Jeffery, J. S. McMurray,
J. R. Fuller, and Charles Beck, together with such persons and corporations as shall in pursuance of this Act become shareholders of the said Company, hereby incorporated, are hereby constituted and declared to be a body corporate and politic, by Corporate name.
the name of the North Simcoe Junction Railway Company.

2. The several clauses of the Railway Act, of the consolidated statutes of Canada, and the amendments thereto, and also Certain clauses of Railway Act to apply.
the several clauses thereof with respect to "interpretation," "incorporation," "powers," "plans and surveys," "lands and their valuation," "highways and bridges," "fences," "tolls," "general meetings," "president and directors, their election and duties," "calls," "shares and their transfer," "municipalities," "shareholders," "actions for indemnity, and fines and penalties and their prosecution," "by-laws, notices, &c.," "working of the railway," and "general provisions," shall be incorporated with and deemed to be a part of this Act, and shall apply to the said Company and to the railway to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof; and the expression "this act," when used herein shall be understood to include the clauses of the said Railway Act so incorporated with this Act.

3. The said Company shall have full power under this Act Location of line.
to construct a railway from the Town of Barrie, in the County of Simcoe, or from some other point on the line of the Northern Railway of Canada, passing through the Townships of Vespra, Flos, Tiny and Tay, to the Village of Penetanguishene, or to

some other point on the shore of the Penetanguishene Bay, and also with power to build a line of railway from either of said points to the Village of Midland, or to some other point on the shore of Gloucester Bay, now called Midland Bay, situate in the said Township of Tay, or such other line of railway as the directors may select, with full powers to pass over any portion of the country between the points aforesaid, and to carry the said Railway through the crown lands lying between the points aforesaid. 5

Company may construct docks, &c., on waters near line. 4. The said Company may construct depots, docks, stations, wharves, warehouses, and other buildings and works, at or near any one or more of the several points on the line or lines of railway hereby authorized, where such line or lines touch the shores of Lake Simcoe, Penetanguishene Bay, or Gloucester Bay, the inland navigable rivers upon or near such line or lines, and for such purpose may extend their railway, or construct branches thereof, into and upon the waters of the said bays, inlets, and navigable rivers, or any one or more of them. 10 15

Gauge. 5. The said Railway may be constructed of any gauge.

Form of conveyance to the Company. 6. Conveyances of land to the said Company for the purposes of, and the powers given by this Act, made in the form set out in the schedule "A" hereto annexed, or the like effect, shall be sufficient conveyance to the said Company, their successors and assigns, of the estate or interest, and sufficient bar of dower respectively of all persons executing the same, and such conveyances shall be registered in such manner and upon such proof of execution as is required under the registry laws of Ontario, and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicate thereof. 20 25 30

Provisional directors. 7. From and after the passing of this Act, the said Alexander Manning, A. A. Thompson, H. H. Thompson, George Copeland, W. M. Kelly, H. E. Jeffery, J. S. McMurray, T. R. Fuller, and Charles Beck, shall be Provisional Directors of the said Company. 35

Powers of provisional directors. 8. The said provisional directors, until others shall be named as hereinafter provided, shall constitute the board of directors of the company, with power to fill vacancies thereon, to associate with themselves thereon not more than three other persons, who upon being so named, shall become and be provisional directors of the company, equally with themselves to open stock books, to make a call upon the shares subscribed therein, to call a meeting of the subscribers thereto, for the election of other directors as hereinafter provided, and with all such other powers as under the Railway Act or any other law in force in Ontario are vested in such boards. 40 45

Capital stock. 9. The capital of the company hereby incorporated shall be with power to increase the same in the manner provided by the Railway Act, to be divided into 50

shares of one hundred dollars each, and shall be raised by the persons and corporations who may become shareholders in such company; and the money so raised shall be applied in the first place to the payment and discharge of all fees, expenses and disbursements for procuring the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized; and all the remainder of such money shall be applied to the making, equipment and completion of the said railway, and the other purposes of this Act; and until such preliminary expenses shall be paid out of the said capital stock, the municipality of any city, county, town, township or village on the line or lines of works, may pay out of the general funds of such municipality its fair proportion of such preliminary expenses, which shall hereafter, if such municipality shall so require, be refunded to such municipality from the capital stock of the company, or be allowed to it in payment of stock.

10. On the subscription for shares of the said capital stock, each subscriber shall within ten days thereafter pay ten per centum of the amount subscribed by him into some of the chartered banks, to be designated by the directors to the credit of the said company. Ten per cent of stock to be paid up.

11. Thereafter, calls may be made by the directors for the time being as they shall be fit; provided that no call shall be made at any one time of more than ten per centum of the amount subscribed by each subscriber, and at intervals of not less than thirty days. Calls.

12. The said provisional directors or the elected directors, may make or issue stock as paid up stock, and may pay or agree to pay in such or any paid up stock, or in the bonds of the said company, such sums as they deem expedient to engineers or contractors, or for right of way or material, plant or rolling stock; and also for the services of the promoters or other persons who may be employed by the directors for the purpose of assisting the directors in the furtherance of the undertaking or purchase, of right of way, material, plant or rolling stock, whether such promoters or other persons be provisional or elected directors or not, and any agreement so made shall be binding on the company. Directors may issue stock as paid up stock to make certain payments

13. So soon as shares to the amount of 40 dollars of the capital stock of the said company shall have been subscribed, and ten per centum thereof paid into some of the chartered banks to be designated by the directors, which shall on, no account be withdrawn therefrom, unless for the service of the company, the directors shall call a general meeting of the subscribers to the said capital stock, who shall have so paid up ten per centum thereof, for the purpose of electing directors to the said company. Meeting for election of directors.

14. It shall be lawful for the provisional or elected directors to accept payment in full for stock from any subscriber thereof, at the time of subscription thereof, or at any time before the making of a final call thereon, and to allow such percentage or discount thereon as they deem expedient and reasonable, and thereupon to issue to each subscriber scrip to the full amount of such stock subscribed. Directors may accept full payment for stock before final call.

Provision in case provisional directors neglect to call meeting.

15. In case the provisional directors neglect to call such meeting for the space of three months after such amount of the capital stock shall have been subscribed, and ten per centum thereof so paid up, the same may be called by any five of the subscribers who shall have so paid up ten per centum, and who are subscribers among them for not less than one thousand dollars of the said capital stock, and who have paid up all calls thereon.

Notice of meeting.

16. In either case notice of the time and place of holding such general meeting shall be given in the *Ontario Gazette*, and in one local newspaper once in each week for the space of at least four weeks, and such meeting shall be held at the City of Toronto, or the Town of Barrie, at such place therein, and on such day as may be named by such notice; at such general meeting the subscribers for the capital stock assembled, who shall have so paid ten per centum thereof, with such proxies as may be present, shall choose nine persons to be the directors of the said company, and may also make and pass such rules and regulations and by-laws as may be deemed expedient, provided they be not inconsistent with this Act.

Election of directors.

Annual meetings.

17. Thereafter the general annual meeting of the shareholders of the said Company shall be held in such place in the City of Toronto, or Town of Barrie, and on such days and at such hours as may be directed by the by-laws of the said company, and public notice thereof shall be given at least four weeks previously in the *Ontario Gazette*, and in one local newspaper once in each week.

Special meetings.

18. Special general meetings of the shareholders of the said Company may be held at such places in the City of Toronto, or Town of Barrie, and at such times, and in such manner, and for such purposes as may be provided by the by-laws of the said Company.

Scale of votes.

19. Every shareholder of one or more shares of the said capital stock shall at any general meeting of the shareholders be entitled to one vote, for every share held by him, provided that no shareholder shall be entitled to more than fifty votes at any meeting, notwithstanding the amount of shares held by him, and no shareholder shall be entitled to vote in any matter whatever, unless all calls due on the stock upon which such shareholder seeks to vote shall have been paid up at least one week before the day appointed for such meeting.

Qualification of directors.

20. No person shall be qualified to be elected as such director by the shareholders, unless he be a shareholder, holding at least ten shares in the Company, and, unless he has paid up all calls due thereon.

Quorum of directors.

21. Any meeting of the directors of the said Company regularly summoned at which not less than five directors shall be present, shall be competent to exercise and use all and every of the powers hereby vested in the said directors.

Aid from municipalities.

22. It shall be further lawful for any municipality or municipalities, or any county municipality, or any portion of such municipality, or municipalities or county municipality,

which may be interested in securing the construction of the said railway, or through any part of which or near which the railway or works of the said company shall pass or be situated, to aid and assist the said company by loaning or guaranteeing, or giving money by way of bonus or other means to the company, or issuing municipal bonds to or in aid of the company, and otherwise in such manner and to such extent as such municipalities, or any of them shall think expedient: Provided always that no such aid, loan bonus or guarantee, shall be given, except after the passing of by-laws for the purpose, and the adoption of such by-laws by the ratepayers as provided in the Municipal Act for the creation of debts.

- 23.** In case fifty persons at least, rated in the last revised assessment roll of any municipality as freeholders, who may be qualified voters under the Municipality Act, do petition the council of such municipality, and in such petition expressing the desire of the said petitioners to aid in the construction of the said railway by giving a bonus to the said company, and stating the amount which they so desire to grant and be assessed for, the council of such municipality, shall within six weeks after the receipt of such petition, introduce a by-law and submit the same to the vote of the qualified voters; and in case aid is desired from any portion of a township municipality, if at least fifty of the persons who are qualified voters as aforesaid in any portion of the said township municipality, do petition the council of such municipality to pass a by-law, in such petition defining the metes and bounds within which the property of the petitioners is situate and expressing the desire of the said petitioners to aid in the construction of the said railway, by granting a bonus to the said company, and stating the amount which they so desire to grant and be assessed for, the council of such municipality shall within six weeks after the receipt of such petition, introduce the requisite by-law, and submit the same for approval of the qualified voters of the said portion of such municipality; and in case aid is desired from any county municipality, upon the petition of at least fifty persons, who are qualified voters in each such county municipality; and in case aid is desired from any portion of a county municipality, upon the petition of at least seventy person, qualified voters from each minor municipality or the portion thereof to be effected by the by-law, as the case may be; or upon the petition of the majority of the reeves and deputy reeves of such county municipality as reside in the said portion from which aid is desired, and in case of a portion of a county do in such petition define the municipality or municipalities within such county municipality and the metes and bounds of the portion or portions of the municipality or municipalities forming the portion of the county municipality that may be asked to grant aid, and in either case in such petition expressing the desire of the said petitioners to aid in the construction of the said railway by granting a bonus to the said company, and stating the amount which they so desire to grant and be assessed for; the council of the county municipality, shall within six weeks after the receipt of such petition introduce the requisite by-law, and submit the same to the vote of the qualified voters of the county, or of the portion of the county defined in the said petition, as the case may be, in the same manner, and to the same effect as if they had introduced the same of their own motion, and upon any such petition being presented to the warden, or

If a portion of a municipality desire to aid' council to pay a by-law.

other head of any county, or the reeve, mayor, or other head of any other municipality, he shall forthwith call a meeting of the council of such municipality, to be held within four weeks thereafter for the purpose of introducing such by-law, and submit the same to the vote of the qualified voters. 5

Aid from union municipalities and portion of counties.

24. The said aid and assistance by the loaning and guaranteeing, or giving of money by the way of bonus, or other means, or the issuing of municipal bonds for the purpose, and in the manner set out in this Act, may be given to the said company by any portion of a county municipality, whether the metes and bounds of such portion of a county municipality as set forth in the by-law for granting such aid, be the metes and bounds of minor municipalities, or be so defined as to comprise a minor municipality, or minor municipalities and portions of minor municipalities, or to comprise only portions of minor municipalities, and in case of a portion of a minor municipality granting such aid, then the debentures to be issued shall be those of such minor municipality, and in case of portions of a county municipality, as aforesaid, then such debentures shall be those of the county municipality, 10 15 20

Interpretation of words "union municipalities."

25. It is declared that the words, "minor municipality" herein, mean, and are to be read and construed as "town, village or township."

Council may submit by-law without petition.

26. The proper council may under this Act, of their own motion and without any previous petition therefor, submit the requisite by-law in that behalf for the approval of the qualified voters of the municipality or portion of the municipality to be effected thereby. 25

Council to pass by-law if approved by ratepayers.

27. In case such by-law be approved or carried by the majority of the votes given thereon, then within one month after the date of such voting, the said council shall read the said by-law a third time, and pass the same. 30

and issue the debentures.

28. Within one month after the passing of such by-law, the said council and the Warden, Mayor, Reeve or other head thereof, and the other officers thereof, shall issue the debentures for the bonus thereby granted, and deliver the same to the trustees appointed or to be appointed under this Act. 35

Levying rate for payment.

29. In case any bonus be so granted by a portion of a municipality or county municipality, the rate to be levied for payment of the debentures issued therefor and the interest thereon, shall be assessed and levied upon such portion only of the municipality or county municipality. 40

Certain provision of Municipal Act applicable.

30. The provisions of the Municipal Act so far as the same are not inconsistent with this Act, shall apply to any by-law so passed by or for a portion of a municipality or county municipality to the same extent as if the bonus had been passed by or for the whole municipality or county municipality. 45

By-laws for levying annual rate.

31. All by-laws to be submitted to such vote for granting bonuses to the said company shall be valid, although the amount of the annual rate to be levied in pursuance thereof, shall exceed two cents in the dollar. 50

- 32.** Any municipality which shall grant a bonus of not less than fifty thousand dollars, in aid of the said Company, shall be entitled to name a director in the said company, as the representative of such municipality, and such director shall be in addition to all shareholders' directors in the said company, and shall not be required to be a shareholder in the said company, and shall continue in office as a director of the said company until his successor shall be appointed by the municipality which he represents. Certain municipalities may appoint directors.
- 33.** It shall further be lawful for the corporation of any municipality through any part of which the railway of the said company passes or is situate, by by-law specially passed for that purpose, to exempt the said company and its property within such municipality, either in whole or in part from municipal assessment or taxation, or to agree to a certain sum per annum or otherwise, in gross or by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years, as such municipal corporation may deem expedient, not exceeding twenty-one years. Exemption from taxation.
- 34.** Whenever any municipality shall grant a bonus to aid the said company in the making, equipping and completion of the said railway, debentures therefor shall within six weeks after the passing of the by-law authorizing the same to be delivered to three trustees, namely, William D. Ardagh, Angus Morrison, and one to be named by the Lieutenant-Governor in Council, provided if the Lieutenant-Governor in Council shall refuse or neglect to name such trustee within one month after notice in writing to him, requiring him to appoint such trustee, the said company shall be at liberty to name one in the place of the one to have been named by the said Lieutenant-Governor in Council. Debentures to be delivered to trustees.
- 35.** Any of the said trustees may be removed, and a new trustee appointed in his place at any time by the Lieutenant-Governor in Council, with the consent of the said company, and in case any trustee die or resign his trust, or go to live out of Ontario, or otherwise become incapable to act, his trusteeship shall become vacant, and a new trustee may be appointed by the Lieutenant-Governor in Council, with the consent of said company. Appointment of new trustees.
- 36.** The act of any two such trustees shall be as valid and binding as if the three had agreed. Act of two trustees binding.
- 37.** The said trustees shall receive the said debentures in trust, firstly to convert the same into money, secondly to deposit the amount realized from the sale of such debentures in some chartered bank, having an office in the city of Toronto, in the name of "The North Simcoe Junction Railway, Municipal Trust Account," and to pay the same out to the said corporation from time to time, on the certificate of the chief engineer of the said railway, in the form set out in the schedule "B," hereto, or to the like effect, setting out the portion of the railway to which the money to be paid out is to be applied, and the total amount to be expended on such portion to the date of the certificate, and that the sum so certified does not exceed the *pro rata* amount per Trusts on which debentures are to be held.

mile for the length of the road or portion of the road to be applied on the works so done, and such certificates to be attached to the cheques to be drawn by the said trustees, and the wrongfully granting any such certificate by such engineer, shall be punishable by fine of not less than one hundred dollars recoverable in any court of competent jurisdiction in the Province of Ontario. 5

Towns, &c.,
debentures
may be ex-
changed for
county debentures.

38. Any county in which is or are situated a township or townships, or any portion of a township, shall grant a bonus or bonuses in aid of the said company, shall be at liberty to take 10 the debentures issued by such township or townships or portion of a township, and in exchange therefor to hand over to the trustees under this Act the debentures of the county, on a resolution being passed to that effect by a majority of the County Council. 15

Issue of bonds
of company.

39. The directors of the said company, after the sanction of the shareholders shall have been first obtained at any special general meeting, to be called from time to time for such purpose, shall have power to issue bonds to any amount not exceeding fifteen thousand dollars per mile of railway, to be signed by the President or vice-President of the said Company, and countersigned by the Secretary and Treasurer, and under the seal of the said company, for the purpose of raising money for prosecuting the said undertaking; and such bonds shall without registration or formal conveyance be taken and considered to be first and preferential claims and charges upon the said undertaking, and the property of the Company real and personal then existing and at any time thereafter acquired; and each holder of the said bonds shall be deemed to be a mortgagee and incumbrancer *pro rata* with all the other holders thereof upon the undertaking, and the property of the Company as aforesaid: 20 And provided also further that in the event at any time of the interest upon the said bonds remaining unpaid, and owing, then at the next ensuing general annual meeting of the said Company, all holders of bonds shall have and possess the same 25 rights and privileges and qualifications for directors, and for voting as are attached to shareholders; Provided that the bonds and any transfers thereof shall have been first registered in the same manner as is provided for the registration of shares: And it shall be the duty of the Secretary of the Company to register 30 the same on being required to do so by any holder thereof. 35

Rights of
bondholders
when interest
in arrear.

Negotiable
instruments.

40. The said Company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars, and any such promissory note made or endorsed by the President or vice-President of the Company, and countersigned by the Secretary and Treasurer of the said Company, and under the authority of a quorum of the directors, shall be binding on the said Company and every such promissory note or bill of exchange so made shall be presumed to be have been made with proper authority until 40 the contrary be shown, and in no case shall it be necessary to have the seal of the said Company affixed to such promissory note or bill of exchange, nor shall the President or vice-President, or Secretary and Treasurer be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of 55

the directors as herein provided and enacted: Provided however, that nothing in this section shall be constructed to authorize the said Company to issue any note or bill of exchange, payable to bearer or intended to be circulated as money or as the notes or bills of a bank.

41. When stone, gravel, or any other material is or are required for the construction or maintenance of said railway, or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same are situate, for the purchase thereof, cause a provincial land surveyor to make a map and description of the property so required, and they shall serve a copy thereof with their notice of arbitration, as in case of acquiring the roadway, and the notice of arbitration, the award, and the tender of the compensation, shall have the same effect as in the case of arbitration for the roadway, and all the provisions of the Railway Act as varied and modified by the special acts relating to the said company, as to the service of the said notice, arbitration, compensation, deeds, payment of money in court, the right to sell, the right to convey, and the parties from whom lands may be taken, or who may sell, shall apply to the subject matter of this section and to the obtaining materials as aforesaid; and such proceedings may be had by the said company, either for the right to the fee simple in the land in which said material shall be taken, or for the right to take material for any time they shall think necessary; the notice of arbitration, in case arbitration is resorted to, to state the interest required.

42. When said gravel, stone, or other materials shall be taken under the preceding section of this act, at a distance from the line of the railway, the company may lay down the necessary siding and tracks over any lands which may intervene between the railway and the lands on which said material may be found, whatever the distance may be, and all the provisions of the Railway Act and of the Special Acts relating to said company's Act, except such as relates to filing plans and publication of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated, and such right may be acquired for a term of years or permanently, as the company think proper; and the power in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed, for the purpose of repairing and maintaining the said railway.

43. Whenever it shall be necessary for the purpose of procuring sufficient lands for stations or gravel pits, or for constructing, maintaining, and using the said railway, and in case by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use and enjoy such lands, and also the right of way thereto, if the same be separated from their railway, and to sell and convey the same as part thereof from time to time as they may deem expedient.

44. The said railway company shall at all times receive and carry cord wood, or any wood for fuel, at a rate not to exceed

for dry wood, three cents per mile for cord, from all stations exceeding ten miles, and at a rate not exceeding three and a half cents per cord per mile, from all stations under twenty miles, in full car loads; and for green wood at the rate of three cents per ton per mile.

5

Company to
facilitate car-
riage of cord-
wood.

45. The company shall further, at all times, furnish every facility necessary for the free and unstrained traffic in cord wood to as large an extent as in the case of other freight carried over the said railway, and shall provide as much ground for the stowage and piling of cord wood, free of charge, at every station.

10

Definition of
cordwood.

46. Cord wood, or wood for fuel, cut before the first day of March in any year, shall be deemed for the purposes of this Act dry wood by the first of October following, and not before.

Company may
make running
arrangements
with certain
other Rail-
ways.

47. The said company shall have power to make running arrangements with the Northern Railway of Canada, the Mid-15 land Railway of Canada, and the Hamilton and North-western Railway Company, or either of them, upon terms to be approved of by two-thirds of the shareholders at a special general meeting to be held for that purpose in accordance with this Act.

Company may
enter into
agreements
with other
Railways.

48. It shall be lawful for the said company to enter into one 20 or more agreements with the Northern Railway of Canada, the Midland Railway of Canada, and the Hamilton and North Western Railway Company, or either of them, for leasing their said railway, or any part thereof, or the use thereof at any time or times, or for the leasing or hiring any locomotives, tenders, 25 plant, rolling stock, or other property, or either or of both, or any part thereof, or for the conveyance or transit of traffic for or with the said company, or touching any service to be rendered by the one company to the other, and the compensation therefor, if the arrangements and agreements shall be approved 30 of by two-thirds of the shareholders voting in person or by proxy, at a special general meeting to be called in accordance with this Act for that purpose; and every such agreement shall be valid and binding, and shall be enforced by courts of law and equity, according to the terms and tenor thereof, and any 35 company or individual accepting and executing such lease, shall be and is hereby empowered to exercise all the rights and privileges in this charter conferred.

SCHEDULE "A."

(Section 6.)

KNOW ALL MEN BY THESE PRESENTS, that I (or we) (insert name or names of the vendor or vendors) in consideration of dollars paid to me (or us) by the North Simcoe Junction Railway Company, the receipt whereof is hereby acknowledged, do grant and convey, and I (or we) (insert the name of any other party or parties) in consideration of

dollars paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (or those certain parcels, as the case may be) of land, situate (describe the land) the same having been

selected and laid out by the said company for the purposes of their railway, to hold with the appurtenances unto the said North Simcoe Junction Railway Company, their successors and assigns (*here insert any other clauses, covenants or conditions required*), and I (*or we*) the wife (*or wives*) of the said

do hereby bar my (*or our*) dower in the said lands.

As witness my (*or our*) hand and seal (*or hands and seals*)
 this day of one thousand eight
 hundred and

Signed, sealed and delivered, }
 in the presence of }

[L.S.]

SCHEDULE "B."

(Section 37.)

CHIEF ENGINEER'S CERTIFICATE.

The North Simcoe Junction Railway Company's Offices, }
 Engineer's Department, A.D. 18 }

No.

*Certificate to be attached to cheques drawn on the North
 Simcoe Junction Railway Company Municipal Trust
 Account, and given under section of Cap. 37 Vic.*

I, Chief Engineer of the North
 Simcoe Junction Railway Company, do hereby certify that there
 has been expended in the construction of mile No. (the
 said mileage being numbered consecutively from the boundary
 of) the sum of dollars to date, and that
 the total *pro rata* amount due for the same from the said
 Municipal Trust Account, amounts to the sum of
 dollars, which said sum of
 dollars is now due, and payable as

provided in the said Act.

3rd Session, 2nd Parliament, 37 Vic., 1874.

BILL.

An Act to incorporate the North Simcoe
Junction Railway Company.

1st Reading, 13th February, 1874.

(PRIVATE BILL.)

MR. OLIVER.

TORONTO:

PRINTED BY HUNTER, ROSE & CO.

An Act to incorporate the North Simcoe Railway Company.

WHEREAS the construction of a Railway from the Town of Barrie, in the County of Simcoe, or from some other point on the line of the Northern Railway of Canada, passing through the Townships of Vespra, Flos, Tiny and Tay, to the Village of Penetanguishene or to some other point on the shore of the Penetanguishene Bay, and with power to build a line of railway from either of said points to the Village of Midland, or to some other point on the shore of Gloucester Bay, now called Midland Bay, situate in the said Township of Tay, has become desirable in the development of the said county, and for the public convenience, and accommodation of the inhabitants thereof:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Alexander Manning, A. A. Thompson, H. H. Thompson, George Copeland, William Moore Kelly, H. E. Jeffery, James Saurin McMurray, Thomas Richard Fuller, and Charles Beck, together with such persons and corporations as shall in pursuance of this Act become shareholders of the said Company, hereby incorporated, are hereby constituted and declared to be a body corporate and politic, by the name of "The North Simcoe Railway Company."

Incorporation.
Corporate name.

2. The several clauses of the Railway Act, of the consolidated statutes of Canada, and the amendments thereto, and also the several clauses thereof with respect to "interpretation," "incorporation," "powers," "plans and surveys," "lands and their valuation," "highways and bridges," "fences," "tolls," "general meetings," "president and directors, their election and duties," "calls," "shares and their transfer," "municipalities," "shareholders," "actions for indemnity, and fines and penalties and their prosecution," "by-laws, notices, &c.," "working of the railway," and "general provisions," shall be incorporated with and deemed to be a part of this Act, and shall apply to the said Company and to the railway to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof; and the expression "this act," when used herein shall be understood to include the clauses of the said Railway Act so incorporated with this Act.

Certain clauses of Railway Act to apply.

3. The said Company shall have full power under this Act to construct a railway from or near the Town of Barrie, in the County of Simcoe, or from some other point on the line of the Northern Railway of Canada, passing through the Townships of Vespra,

Location of line.

Flos, Tiny and Tay, to the Village of Penetanguishene, or to some other point on the shore of the Penetanguishene Bay, and also with power to build a line of railway from some point on the main line to the Village of Midland, or to some other point on the shore of Gloucester Bay, now called Midland Bay, situate in the said Township of Tay.

Company may
construct
docks, &c., on
waters near
line.

4. The said Company may construct depots, docks, stations, wharves, warehouses, elevators, and other buildings and works, at or near any one or more of the several points on the line or lines of railway hereby authorized, where such line or lines touch the shores of Lake Simcoe, Penetanguishene Bay, or Gloucester Bay, the inland navigable rivers upon or near such line or lines, and for such purpose may extend their railway, or construct branches thereof, into and upon the waters of the said bays, inlets, and navigable rivers, or any one or more of them.

Gauge.

5. The said Railway may be constructed of any gauge.

Form of conveyance to the
Company.

6. Conveyances of land to the said Company for the purposes of, and the powers given by this Act, made in the form set out in the schedule A hereto annexed, or the like effect, shall be sufficient conveyance to the said Company, their successors and assigns, of the estate or interest, and sufficient bar of dower respectively of all persons executing the same, and such conveyances shall be registered in such manner and upon such proof of execution as is required under the registry laws of Ontario, and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicate thereof.

Registration.

Provisional
directors.

7. From and after the passing of this Act, the said Alexander Manning, A. A. Thompson, H. H. Thompson, George Copeland, William Moore Kelly, H. E. Jeffery, James Saurin McMurray, Thomas Richard Fuller, and Charles Beck, shall be Provisional Directors of the said Company.

Powers of provisional
directors.

8. The said provisional directors, until others shall be named as hereinafter provided, shall constitute the board of directors of the company, five of whom shall be a quorum, with power to fill vacancies thereon, to associate with themselves thereon not more than three other persons, who upon being so named, shall become and be provisional directors of the company, equally with themselves to open stock books, to make a call upon the shares subscribed therein, to call a meeting of the subscribers thereto, for the election of other directors as hereinafter provided, and with all such other powers as under the Railway Act or any other law in force in Ontario are vested in such boards, and the said directors, or a majority of them, may, in their discretion, exclude any persons from subscribing who in their judgment would hinder, delay, or prevent the said company from proceeding with and completing their undertaking, under the provisions of this Act.

Capital stock.

9. The capital of the company hereby incorporated shall be fifty thousand dollars, with power to increase the same in the manner provided by the Railway Act, to be divided into five hundred shares of one hundred dollars each, and shall be raised by the

persons and corporations who may become shareholders in such company; and the money so raised shall be applied in the first place to the payment and discharge of all fees, expenses and disbursements for procuring the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized; and all the remainder of such money shall be applied to the making, equipment and completion of the said railway, and the other purposes of this Act; and until such preliminary expenses shall be paid out of the said capital stock, the municipality of any city, county, town, township or village on the line or lines of works, may pay out of the general funds of such municipality its fair proportion of such preliminary expenses, which shall hereafter, if such municipality shall so require, be refunded to such municipality from the capital stock of the company, or be allowed to it in payment of stock.

10. On the subscription for shares of the said capital stock, each subscriber shall within ten days thereafter pay ten per centum of the amount subscribed by him into some of the chartered banks, to be designated by the directors to the credit of the said company.

Ten per cent
of stock to be
paid up.

11. Thereafter, calls may be made by the directors for the time being as they shall see fit; provided that no call shall be made at any one time of more than ten per centum of the amount subscribed by each subscriber, and at intervals of not less than thirty days.

Calls.

12. The directors, elected by the shareholders, may make or issue stock as paid up stock, and may pay or agree to pay in such or any paid up stock, or in the bonds of the said company, such sums as they deem expedient to engineers or contractors, or for right of way or material, plant or rolling stock; and also, when sanctioned by a vote of the shareholders at any general meeting, for the services of the promoters or other persons who may be employed by the directors for the purpose of assisting the directors in the furtherance of the undertaking or purchase of right of way, material, wharves, plant or rolling stock, whether such promoters or other persons be provisional directors or not.

Directors may
issue stock as
paid up stock
to make cer-
tain payments

13. So soon as shares to the amount of twenty-five thousand dollars of the capital stock of the said company shall have been subscribed, and ten per centum thereof paid into some of the chartered banks to be designated by the directors, which shall on, no account be withdrawn therefrom, unless for the service of the company, the directors shall call a general meeting of the subscribers to the said capital stock, who shall have so paid up ten per centum thereof, for the purpose of electing directors to the said company.

Meeting for
election of
directors.

14. It shall be lawful for the provisional or elected directors to accept payment in full for stock from any subscriber thereof, at the time of subscription thereof, or at any time before the making of a final call thereon, and to allow such per centage or discount thereon as they deem expedient and reasonable, and thereupon to issue to each subscriber scrip to the full amount of such stock subscribed.

Directors may
accept full
payment for
stock before
final call.

Provision in
case provi-
sional direc-
tors neglect to
call meeting.

15. In case the provisional directors neglect to call such meeting for the space of three months after such amount of the capital stock shall have been subscribed, and ten per centum thereof so paid up, the same may be called by any five of the subscribers who shall have so paid up ten per centum, and who are subscribers among them for not less than one thousand dollars of the said capital stock, and who have paid up all calls thereon.

Notice of meet-
ing.

16. In either case notice of the time and place of holding such general meeting shall be given in the *Ontario Gazette*, and in one local newspaper once in each week for the space of at least four weeks, and such meeting shall be held at the City of Toronto, or the Town of Barrie, at such place and on such day as may be named by such notice; at such general meeting the subscribers for the capital stock assembled, who shall have so paid ten per centum thereof, with such proxies as may be present, shall choose seven persons to be the directors of the said company, and may also make and pass such rules and regulations and by-laws as may be deemed expedient, provided they be not inconsistent with this Act.

Election of
directors.

Annual meet-
ings.

17. Thereafter the general annual meeting of the shareholders of the said Company shall be held in such place in the City of Toronto, or Town of Barrie, and on such days and at such hours as may be directed by the by-laws of the said company, and public notice thereof shall be given at least four weeks previously in the *Ontario Gazette*, and in one local newspaper once in each week.

Special meet-
ings.

18. Special general meetings of the shareholders of the said Company may be held at such places in the City of Toronto, or Town of Barrie, and at such times, and in such manner, and for such purposes as may be provided by the by-laws of the said Company.

Scale of votes.

19. Every shareholder of one or more shares of the said capital stock shall at any general meeting of the shareholders be entitled to one vote, for every share held by him, provided that no shareholder shall be entitled to more than fifty votes at any meeting, notwithstanding the amount of shares held by him, and no shareholder shall be entitled to vote in any matter whatever, unless all calls due on the stock upon which such shareholder seeks to vote shall have been paid up at least one week before the day appointed for such meeting.

Qualification
of directors.

20. No person shall be qualified to be elected as such director by the shareholders, unless he be a shareholder, holding at least ten shares in the Company, and, unless he has paid up all calls due thereon.

Quorum of
directors.

21. Any meeting of the directors of the said Company regularly summoned at which not less than four directors shall be present, shall be competent to exercise and use all and every of the powers hereby vested in the said directors.

Aid to com-
pany from
Government,
&c.

22. The said company may receive from any Government, or from any persons or bodies corporate, municipal or politic, who may have power to make or grant the same, aid towards the

construction, equipment, or maintenance of the said railway, by way of bonus, gift, or loan in money, or debentures, or other securities for money, or by way of guarantee, upon such terms and conditions as may be agreed upon.

- 5 **23.** Any municipal corporation, or any portion of a municipality, which may be interested in securing the construction of the said railway, or through any part of which, or near which, the railway or works of the said company shall pass or be situate, may aid the said company by giving money or debentures, Aid from municipalities.
- 10 by way of bonus, gift, or loan, or by the guarantee of the municipal corporation, under and subject to the provisions hereinafter contained, which are to be taken as applicable thereto, instead of sections four hundred and seventy-two, four hundred and seventy-three, and four hundred and seventy-four of the Municipal Institutions Act : Provided always, that no such aid shall be given, except after the passing of a by-law for the purpose, and the adoption of such-law by the qualified rate-payers of the municipality or portion of municipality, (as the case may be,) as provided in the Municipal Act for the
- 20 creation of debts.

24. Such by-law shall be submitted by the municipal council to the vote of the ratepayers in manner following, namely :— Manner of submitting by-laws to rate-payers.

1. The proper petition shall first be presented to the council, expressing the desire to aid the railway, and stating in what
- 25 way and for what amount, and the council shall within six weeks after the receipt of such petition by the clerk of the municipality introduce a by-law to the effect petitioned for, and submit the same for the approval of the qualified voters ;

2. In the case of a county municipality the petition shall be
- 30 that of a majority of the reeves and deputy reeves, or of twenty resident freeholders in each of the minor municipalities of the county, who are qualified voters under the Municipal Act ;

3. In the case of other municipalities, the petition shall be
- 35 that of a majority of the council thereof, or of twenty resident freeholders, being duly qualified voters as aforesaid ;

4. In the case of two or more minor municipalities, or sections of two or more such municipalities, or of two or more such municipalities with a section or sections of one or more minor
- 40 municipalities forming part of a county municipality, the petition is to be presented to the county council, describing the portions to be grouped, and defining any section by metes and bounds, and shall be that of a majority of each of the councils of such minor municipalities respectively, or of twenty resident
- 45 freeholders in each of the said minor municipalities, or sections proposed to be grouped, being duly qualified voters as aforesaid.

- 25.** Where a portion of the county municipality petitions to aid the railway, it shall be such portion only as shall consist of two or more minor municipalities or sections thereof, through
- 50 which the line of railway is to be constructed, or which will be benefited thereby, and such minor municipalities and sections thereof shall lie contiguous ; but no minor municipality or section thereof which is subject to a county or other by-law in aid of the said railway, shall be thus grouped without the consent of the majority of the duly qualified voters therein expressed to that end, when voting upon the proposed by-law. Aid from portions of county municipalities.

Grouping minor municipalities.
- 55

Proceedings
on opposing
submission of
by-laws.

Arbitration.

Costs.

Rate to be
levied only on
the part of
municipality
granting
bonds.

Railway to
make deposit
for expenses.

Interpretation
of the words
"minor muni-
cipality."

By-laws to be
valid, though
the annual rate
exceed two
cents in the
dollar.

26. In case of aid from a county municipality, or from a grouped portion thereof, twenty resident freeholders of the county or portion comprised in the proposed by-law (as the case may be) may petition the county council against submitting the said by-law, upon the ground that certain minor municipalities or portions thereof comprised in the said by-law would be injuriously affected thereby, or upon any other ground ought not to be included therein; and upon deposit by the petitioners with the treasurer of the county, of a sum sufficient to defray the expense of such reference, the said council shall forthwith refer the said petition to three arbitrators, one being the judge of the county court, one being the registrar of the county, or of the riding in which the county town is situate, and one being an engineer appointed by the Commissioner of the Department of Public Works for Ontario, who shall have power to confirm or amend the said by-law by excluding any minor municipality or any section thereof therefrom; and the decision of any two of them shall be final; and the by-law so confirmed or amended shall thereupon, at the option of the railway company, be submitted by the council to the duly qualified voters; and in case the by-law is confirmed by the arbitrators, the expense of the reference shall be borne by the petitioners against the same, but if amended, then by the railway company, or the county, as the arbitrators may order.

27. In the case of a portion of the county municipality being formed into a group, the by-law to be submitted shall be that of the county, but the rate to be levied for payment of the debentures issued thereunder, and the interest thereon, shall be assessed and levied upon such portions only of the county municipality; and the voting thereon shall be limited to the duly qualified voters in such portions only.

28. Before any such by-law is submitted, the railway company shall deposit with the treasurer of the municipality a sum sufficient to pay the expenses to be incurred in submitting said by-law.

29. The term "minor municipality" shall be construed to mean any town not separated from the municipal, county township, or incorporated village situate in the county municipality.

30. No by-law shall be valid, or shall be submitted to such vote for granting aid to the railway which shall require the levying of a greater aggregate annual rate for all purposes, exclusive of school rates, than three cents in the dollar upon the value of the ratable property in each of the minor municipalities or section affected thereby; but for the purpose of such aid, the amount of the aggregate annual rate to be levied in any such municipality or section, may exceed the two cents in the dollar limited by the Municipal Act.

31. Such by-law shall in each instance provide, (1) For raising the amount petitioned for in the municipality or portions of the county municipality, (as the case may be,) mentioned in the petition by the issue of debentures of the county or minor municipality, respectively, and shall also provide for the delivery of the said debentures, or the application of the amount to be raised thereby, as may be expressed in the said by-law.

2. For assessing and levying upon all rateable property lying within the municipality or portions of the county municipality defined in said by-law (as the case may be) an annual special rate sufficient to include a sinking fund for the repayment of the said debentures, within twenty years with interest thereon, payable yearly or half-yearly, or by equal annual instalments of principal and interest; which debentures the respective municipal councils, warden, reeves and other officers thereof are hereby authorized to execute and issue in such cases respectively: Provided, that in case the sum raised under the authority of such by-law is invested in the capital stock or bonds of the railway company or loaned thereon, the council of the municipality holding such stock or bonds may sell and dispose of the same or any part thereof, and shall in such case apply the moneys received therefor in payment of the said debentures and interest.

32. In case the by-law submitted is not approved of, no other by-law which is in substance the same shall be submitted to the voters of the same municipality or portions of the county municipality, until after the expiration of six months from such rejection.

If by-law defeated, limits of time for submitting similar one.

33. In case the by-law submitted be approved of or carried by a majority of the votes given thereon, then within four weeks after the date of such voting, the municipal council which submitted the same, shall read the said by-law a third time and pass the same.

If by-law carried, council to pass the same,

34. Within one month after the passing of such by-law, the said council, and the warden, reeve, or other officers thereof shall issue or dispose of the debentures necessary to raise the sum mentioned in such by-law, and otherwise act according to the terms thereof.

and issue the debentures.

35. The corporation of any county municipality shall be at liberty to take the debentures issued by any township in aid of the railway company, and give in exchange therefor to the said township, a like amount of the debentures of the said county, on a resolution to that effect being passed by the county council; but the township municipality shall in such case keep the county municipality fully indemnified against any rate or liability in respect of said debentures.

Corporation may exchange their debentures for those of the townships.

36. Whenever any municipality or portion of a county municipality shall grant aid by way of bonus or gift to the railway company, the debentures therefor, shall within six months after passing of the by-law authorizing the same, be delivered to three trustees to be named, one by the Lieutenant-Governor in Council, one by the said company, and one by the majority of the heads of the municipalities which have granted bonuses; all of the trustees to be residents of the Province of Ontario: Provided that if the said Council shall refuse or neglect to name such trustee, or if the Lieutenant-Governor in Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustees, the company shall be at liberty to name such other trustee or other trustees; any of the said trustees may be removed and a new trustee appointed in his place at any time, by the Lieutenant-Governor in Council, with the consent of the said company; and

Trustees for municipal debentures.

in case any trustee die, or resign his trust, or go to live out of Ontario, or otherwise become incapable to act, his trusteeship shall become vacant, and a new trustee may be appointed by the Lieutenant-Governor in Council, with the consent of said company. 5

Trusts on which debentures are to be held.

37. The said trustees shall receive the said debentures or bonds in trust: firstly, under the direction of the company to convert the same into money; secondly, to deposit the amount realized from the sale in some of the chartered banks, having an office in this Province, in the name of "The North Simcoe Railway Municipal Trust Account," and to pay the same out to the said company from time to time, on the certificate of the chief engineer of the said railway, in the form set out in schedule "B" hereto, or to the like effect, setting out the portion of the railway to which the money to be paid out is to be applied, and that the sum so certified for, is in pursuance of the terms and conditions of the by-law; and such certificate is to be attached to the cheques to be drawn by the said trustees; and such engineer shall not wrongfully grant any such certificate under penalty of one hundred dollars, recoverable in any county court by any person who may sue therefor. 10 15 20

Trustees' fees. Act of two to govern.

38. The trustees shall be entitled to their reasonable fees and charges from said trust fund; and the act of any two of such trustees to be as valid and binding as if the three had agreed. 25

Municipal directors.

39. Any municipality which shall grant a bonus of not less than fifty thousand dollars in aid of the said company, may stipulate that it shall be entitled to name a director in the said company as the representative of such municipality; and such director shall be in addition to the directors elected by the shareholders, and shall not be required to be a shareholder in the company, and shall continue in office as a director in the said company until his successor shall be appointed by the municipality which he represents. 30

Company may receive gifts of lands.

40. Any municipality through which the said railway may pass is empowered to grant by way of gift to the said company any lands belonging to such municipality, which may be required for right of way, station grounds, or other purposes connected with the running or traffic of the said railway; and the said railway company shall have power to accept gifts of land from any Government or any person or any body politic or corporate, and shall have power to sell or otherwise dispose of the same for the benefit of the said company. 35 40

Municipality may exempt Company from taxation.

41. It shall further be lawful for the council of any municipality, in which any part of the railway of the company is situate, by by-law specially passed for that purpose, to exempt the said company and its property, within such municipality, either in whole or in part, from municipal assessment or taxation, or to agree to a certain sum per annum or otherwise, in gross or by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years; and any such by-law shall not be repealed unless in conformity with a condition contained therein. 45 50 55

42. It shall and may be lawful for the council of any municipality that may grant a bonus to the company, and they shall have full power to extend the time for completion of the works on the completion of which the said company would be entitled to such bonuses.

Council may extend time.

43. It shall be lawful for the council of any township or county municipality interested in the said extension branches, or any of them, and without complying with the requirements of any Act providing for creation of debts by municipal corporations on behalf of such township or county municipalities, to bear all, or part of the costs, charges and expenses of, and incidental to, the submission of any by-law to the said qualified voters for granting a bonus to the said company, or may give the said company a bonus on account of such costs, charges and expenses, provided always, that no one such bonus shall exceed five thousand dollars.

Council may contribute towards preliminary expenses.

44. Whenever any municipality or a portion of a municipality shall aid, loan, guarantee, or give money or bonds by way of bonus to aid the making, equipment, and completion of said extension and branches, or any part or parts thereof, it shall be lawful for said company to enter into a valid agreement with such municipality, binding the said company to expend the whole of such aid so given upon works of construction within the limits of the municipality, granting the same.

Municipalities may agree as to application of bonus.

45. It shall and may be lawful for any municipality through which the said railway passes, and having jurisdiction in the premises, to pass a by-law, or by-laws, empowering the said company to make their road and lay their rails along any of the highways within such municipality, and whether or not the same be in the possession or under the control of any joint stock company, and if such be, either in the possession or under the control of any joint stock company, then with the assent of such company; and it shall and may be lawful for the said company to enter into and perform any such agreements as they may from time to time deem expedient, with any municipality corporation or person, for the construction, or for the maintenance and repair of gravel or other public roads leading to the said railway.

Laying rails on roads.

46. The directors of the said company, after the sanction of the shareholders shall have been first obtained at any special general meeting, to be called from time to time for such purpose, shall have power to issue bonds to any amount not exceeding fifteen thousand dollars per mile of railway, to be signed by the President or vice-President of the said Company, and countersigned by the Secretary and Treasurer, and under the seal of the said company, for the purpose of raising money for prosecuting the said undertaking; and such bonds shall without registration or formal conveyance be taken and considered to be first and preferential claims and charges upon the said undertaking, and the property of the Company real and personal then existing and at any time thereafter acquired; and each holder of the said bonds shall be deemed to be a mortgagee and incumbrancer *pro rata* with all the other holders thereof upon the undertaking, and the property of the Company as aforesaid: And provided also further that in the event at any time of the interest upon the said bonds remaining unpaid, and owing, then at the next ensuing general annual meeting of the said Com-

Issue of bonds of company.

Rights of bondholders when interest is arrear.

pany, all holders of bonds shall have and possess the same rights and privileges and qualifications for directors, and for voting as are attached to shareholders; Provided that the bonds and any transfers thereof shall have been first registered in the same manner as is provided for the registration of shares: And 5 it shall be the duty of the Secretary of the Company to register the same on being required to do so by any holder thereof.

Negotiable
instruments.

47. The said Company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars, and any such promissory note made or endorsed by the President or vice-President of the Company, and countersigned by the Secretary and Treasurer of the said Company, and under the authority of a quorum of the directors, shall be binding on the said Company and every such promissory note or bill of exchange so made shall be presumed to be have been made with proper authority until the contrary be shown, and in no case shall it be necessary to have the seal of the said Company affixed to such promissory note or bill of exchange, nor shall the President or vice-President, or Secretary and Treasurer be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted: Provided however, that nothing in this section shall be constructed to authorize the said Company to issue any note or bill of exchange, payable to bearer or intended to be circulated as money or as the notes or bills of a bank. 15 20 25

Acquiring
gravel, &c.

48. When stone, gravel, or any other material is or are required for the construction or maintenance of said railway, or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same are situate, for the purchase thereof, cause a provincial land surveyor to make a map and description of the property so required, and they shall serve a copy thereof with their notice of arbitration, as in case of acquiring the roadway, and the notice of arbitration, the award, and the tender of the compensation, shall have the same effect as in the case of arbitration for the roadway, and all the provisions of the Railway Act as varied and modified by the special acts relating to the said company, as to the service of the said notice, arbitration, compensation, deeds, payment of money in court, the right to sell, the right to convey, and the parties from whom lands may be taken; or who may sell, shall apply to the subject matter of this section and to the obtaining materials as aforesaid; and such proceedings may be had by the said company, either for the right to the fee simple in the land in which said material shall be taken, or for the right to take material for any time they shall think necessary; the notice of arbitration, in case arbitration is resorted to, to state the interest required. 30 35 40 45

Lying tracks
to gravel pits.

49. When said gravel, stone, or other materials shall be taken under the preceding section of this act, at a distance from the line of the railway, the company may lay down the necessary siding and tracks over any lands which may intervene between the railway and the lands on which said material may be found, whatever the distance may be, and all the provisions of the Railway Act and of the Special Acts relating to said company's Act, except such as relates to filing plans and publication of 50 55

notice, shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated, and such right may be acquired for a term of years or permanently, as the company think proper; and the power in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed, for the purpose of repairing and maintaining the said railway.

50. Whenever it shall be necessary for the purpose of procuring sufficient lands for stations or gravel pits, or for constructing, maintaining, and using the said railway, and in case by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use and enjoy such lands, and also the right of way thereto, if the same be separated from their railway, and to sell and convey the same as part thereof from time to time as they may deem expedient.

Power to acquire lands.

51. The said company shall have power to lease its railway to, or to make running arrangements with, the Northern Railway of Canada, the Midland Railway of Canada, and the Hamilton and North-western Railway Company, or with any other railway company, or any or either of them, upon terms to be approved of by two-thirds of the shareholders at a special general meeting to be held for that purpose in accordance with the Railway Act.

Company may make running arrangements with certain other Railways.

52. It shall be lawful for the said company to enter into one or more agreements with the Northern Railway of Canada, the Midland Railway of Canada, and the Hamilton and North-western Railway Company, or with any other railway company, or with any or either of them, for leasing their said railway, or any part thereof, or the use thereof at any time or times, or for the leasing or hiring any locomotives, tenders, plant, rolling stock, or other property, or either or of both, or any part thereof, or for the conveyance or transit of traffic for or with the said company, or touching any service to be rendered by the one company to the other, and the compensation therefor, if the arrangements and agreements shall be approved of by two-thirds of the shareholders voting in person or by proxy, at a special general meeting to be called in accordance with this Act for that purpose; and every such agreement shall be valid and binding, and shall be enforced by courts of law and equity, according to the terms and tenor thereof, and any company or individual accepting and executing such lease, shall be and is hereby empowered to exercise all the rights and privileges in this charter conferred: Provided the said leases, agreements and arrangements have been first respectively sanctioned at special general meetings of the shareholders, called for the purpose of considering the same, respectively under the provisions of the Railway Act, and then by a vote to that end of two-thirds of the shareholders present either in person or by proxy.

Company may enter into agreements with other Railways.

53. It shall and may be lawful for the said company to purchase and hold as their own absolute property, wharves, piers, harbours and lands, not exceeding ten acres at each extremity

Power to purchase wharves, &c.

of the said railway, for the purpose of building, and to build thereon elevators, wharves, storehouses, warehouses, engine houses, sheds, and other erections for the use of the said railway company, and the same or a portion thereof, in their discretion, subsequently to sell, lease or convey; and also to purchase, build, complete, fit out and charter, sell and dispose of, work and control, and keep in repair steam or other vessels, from time to time, to ply on lakes, rivers and canals of this Province in connection with the said railway and vessels, and also to make arrangements and agreements with steamboat and vessel proprietors, by chartering or otherwise to ply on the said lakes, rivers and canals. 5 10

Telegraph lines.

54. For the purpose of constructing, working and protecting the telegraph lines to be constructed by the said company on their line of railway, the powers conferred on telegraph companies by the Act respecting Electric Telegraph Companies are hereby conferred upon the said company; and the other provisions of the said Act for the working and protection of telegraph lines shall apply to any such telegraph lines constructed by the said company. 15 20

Leasing the railway.

55. The North Simcoe Railway Company shall have power to guarantee for the loan of its credit to, or become guarantors for, and may subscribe to or become owners of the stock of any company, now or hereafter to be formed, for the purpose of owning, constructing, manufacturing, leasing, hiring or otherwise becoming possessed of, and working and using railway cars, rolling stock, engines and other plant used in the transportation of railway traffic with which the North Simcoe railway company have made or may hereafter make an agreement for the use of such railway cars, rolling stock, engines or other plant; and the said railway company shall have all the powers in respect of such stock as an individual would have, and shall exercise the same through such officer, and in such manner as the board of directors shall by resolution appoint. 25 30

Arrangements with other companies.

56. The said company shall have power to guarantee for the loan of its credit to, or become guarantors for, or may subscribe to, or become the owners of stock in any railway company, with the line of which their line may be in connection, or any railway company over the line of which they may now have or hereafter may make arrangements for running powers or the conveyance of traffic: Provided that the power given under this clause shall not be exercised unless sanctioned by a vote to that end of two-thirds of the shareholders, voting in person or by proxy at a general meeting of the shareholders specially called for that purpose, or at the annual general meeting. 35 40 45

SCHEDULE A.

(Section 6.)

KNOW ALL MEN BY THESE PRESENTS, that I (or we) (insert name or names of the vendor or vendors) in consideration of dollars paid to me (or us) by the North Simcoe Railway Company, the receipt whereof is hereby acknowledged, do grant and convey, and I (or we) (insert the name of any other party or parties) in consideration of 50

dollars paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (or those certain parcels, as the case may be) of land, situate (describe the land) the same having been
 5 selected and laid out by the said company for the purposes of their railway, to hold with the appurtenances unto the said North Simcoe Railway Company, their successors and assigns (here insert any other clauses, covenants or conditions required,) and I (or we) the wife (or wives) of the said
 10 do hereby bar my (or our) dower in the said lands.
 As witness my (or our) hand and seal (or hands and seals) this day of one thousand eight hundred and

Signed, sealed and delivered, }
 15 in the presence of [L.S.]

SCHEDULE B.

(See Section 37.)

CHIEF ENGINEER'S CERTIFICATE.

The North Simcoe Railway Company's Offices, }
 20 Engineer's Department, A.D. 18 }
 No.

Certificate to be attached to cheques drawn on the North Simcoe Railway Municipal Trust Account.

I, , Chief Engineer for the North
 25 Simcoe Railway Company, do hereby certify that the sum of \$ is required to be expended in the construction of the portion of the line extending from mile No. to mile No. , and that payment should be made to the company of such amount from the Municipal Trust Account, the
 30 same being in pursuance of the terms and conditions of the By-law of the Municipality of the of

3rd Session, 2nd Parliament, 37 Vict., 1874.

BILL.

An Act to incorporate the North Simcoe
Railway Company.

(Reprinted as amended.)

1st Reading, 13th February, 1874.

2nd Reading, 12th March, 1874.

(PRIVATE BILL.)

MR. OLIVER.

TORONTO :

PRINTED BY HUNTER, ROSE & Co.

No. 61.]

BILL.

[1874.

An Act to amend an indenture made between The London and Port Stanley Railway Company and The Great Western Railway Company.

WHEREAS, an indenture bearing date the first day of September, in the year of our Lord one thousand eight hundred and seventy-two, has been made between the London and Port Stanley Railway Company and The Great Western Railway Company for the leasing to and working by the latter company of the London and Port Stanley Railway, and for other purposes therein set forth, which said indenture is set out in the schedule to this Act; And whereas, the London and Port Stanley Railway Company, and also the Corporation of the City of London, and the Corporation of the Town of St Thomas, being the holders of all the mortgage bonds of the said the London and Port Stanley Railway Company, have petitioned that the said indenture may be amended as hereinafter set forth, and the Great Western Railway Company have assented to such amendments, and the confirmation of the said indenture as so amended; And whereas, it is expedient to so amend the said indenture and confirm it as amended;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The said indenture in the schedule of this Act set forth is hereby amended, by adding to the end of the sixth paragraph thereof, the following words, that is to say: "and further, that the rates to be charged by the Great Western Railway Company, for passenger and freight traffic upon the London and Port Stanley Railway during the said term shall not exceed the regular tariff rates of the London and Port Stanley Railway Company for like services in force on the first day of September, in the year of our Lord one thousand eight hundred and seventy-two." And the said indenture, as so amended, is hereby confirmed, and shall be and is hereby declared to be valid, binding and effectual, as well between the parties thereto, as against the said Corporations of London and St. Thomas.

Sixth paragraph of the indenture between the L. & P. S. R. Co., and the G. W. R. Co. amended.

Confirmation of the indenture.

SCHEDULE.

THIS INDENTURE made the first day of September, in the year of our Lord 1872, between the London and Port Stanley Railway Company, of the first part, and the Great Western Railway Company of the second part.

Date 1st September, 1872.

Whereas negotiations have been pending between the said Railway Companies respecting the London and Port Stan-

Negotiations.

ley Railway, its plant and appurtenances, and the aforesaid Companies have agreed upon the terms and conditions hereinafter set forth as to the working by the Great Western Railway Company of the said the London and Port Stanley Railway, and as to the purchase by the Great Western Railway Company of the old plant, surplus stores, engines and rolling stock of the London and Port Stanley Railway Company.

Now this Indenture Witnesseth :—

L & P S to be
worked by G
W for 20 years

FIRST.—The London and Port Stanley Railway Company hereby give, subject to all the rents, conditions, provisos and agreements hereinafter mentioned, the use, occupation and possession of their line of railway, between London and Port Stanley, to the Great Western Railway Company, for the period of twenty years from the day of the date of these presents, so that the same shall be worked by the Great Western Railway Company, and all the receipts and earnings shall be collected by the Great Western Railway Company for their own use and benefit.

Line &c. to be
put in repair
within a year.

SECOND.—The Great Western Railway Company shall, within twelve months, put the said line of railway, of the said the London and Port Stanley Railway Company, its road, bridges, and rails, and all and every portion of its property, buildings, way, track and appurtenances, in good repair, and also shall, after putting the same in good repair, well and sufficiently at all times during the said term of twenty years, repair, maintain, amend and keep the same, and every part thereof, in good and substantial repair, and all fixtures and things thereto belonging, or which at any time during the said term shall be erected, put or made, when, where, and so often as need shall be.

At end of term
Line to be
given up in
good repair.

THIRD.—The Great Western Railway Company shall, at the expiration, or other sooner determination of the said term of twenty years, peaceably surrender and yield up unto the London and Port Stanley Railway Company, their successors or assigns, the said the London and Port Stanley Railway, its property, appurtenances and effects, together with all buildings, erections and fixtures thereon, in good and substantial repair and condition.

Rent \$20,000
a year.

FOURTH.—The Great Western Railway Company shall pay to the London and Port Stanley Railway Company, their successors or assigns, without any deduction whatever, the clear yearly rent or sum of twenty-thousand dollars a year during the said term of twenty years, by equal payments of five thousand dollars each on the first days of December, March, June and September in each and every year, the first of such payments to be made on the first of December next.

Payable quarterly.

G W R to pay
taxes.

FIFTH.—The Great Western Railway Company shall pay all taxes, rates, duties, and assessments whatsoever, whether municipal, parliamentary or otherwise, now charged, or hereafter to be charged, upon the said the London and Port Stanley Railway, or its appurtenances, or upon the said the London and Port Stanley Railway Company on account thereof, or on account of any of its property, including four-twelfths of the taxes for this year, and also eight-twelfths of the taxes for the year, in which this lease terminates.

SIXTH.—The rates for freight and traffic and all fares to be charged by the Great Western Railway Company upon the line of the London and Port Stanley Railway, and every part thereof, during the said term of twenty years, shall never exceed those from time to time during the said term, charged as local rates by either the Great Western Railway Company, the Grand Trunk Railway Company, the Canada Southern Railway Company, or by any railway running into London; provided that as to all articles of freight mentioned and set forth in the schedule hereto annexed, marked "A," the Great Western Railway Company shall not, during the said term, charge in respect thereof for freight, storage or otherwise, any higher rate than the respective rates in the said schedule mentioned.

Rates upon L & P S not to exceed local rates on G W G T, C S, or any railway to London.

Special rates, Schedule A.

SEVENTH.—The Great Western Railway Company shall forward all trains and traffic with reasonable and proper despatch, and shall run daily, Sundays excepted, at least two passenger trains between Port Stanley and London, stopping at and starting from such points and at such hours as the exigencies of traffic may from time to time during the said term of twenty years require; and at least two passenger trains daily each way shall stop at all stations where the passenger trains of the London and Port Stanley Railway Company now stop.

G W to forward traffic with despatch,

and run two passenger trains each way daily.

EIGHTH.—The Great Western Railway Company shall, upon being requested so to do by the London, Huron and Bruce Railway Company, lay a third rail upon the London and Port Stanley Railway, from London to Port Stanley, with all proper switches, sidings and appliances for the passage of trains, so that such rail shall, with one of the rails of the London and Port Stanley Railway, form a railway of such gauge as the London, Huron and Bruce Railway Company may require and request for the use and at the expense of the London, Huron and Bruce Railway Company, and shall give the London, Huron and Bruce Railway Company all reasonable and usual running powers,—not interfering with the local traffic of the London and Port Stanley Railway—for its traffic over the line of the London and Port Stanley Railway, and every part thereof, during the said twenty years, or until such other sooner determination of the said term.

Third rail on the L H & B.

Running powers L H & B.

NINTH.—In the event of the gauge of the London, Huron and Bruce Railway being four feet eight and one-half inches, the Great Western Railway Company shall give to the London, Huron and Bruce Railway Company, upon being requested by the said London, Huron and Bruce Railway company so to do, all reasonable and usual running powers—not interfering with the local traffic of the London and Port Stanley Railway—for its traffic over the line of the London and Port Stanley Railway, and every part thereof—during the said twenty years, or until the other sooner determination of the said term.

Running powers L. H. & B.

TENTH.—In the event of the London, Huron and Bruce Railway Company requiring a third rail, and running powers, as in the eighth paragraph mentioned, or running powers only, as in the ninth paragraph mentioned, over the line of the London and Port Stanley Railway, the Great Western Railway Company shall enter into a proper agreement with the London, Huron and Bruce Railway Company, under the respective seals

Agreement with the L. H. & B. as to running powers.

Arbitration
every five
years as to L.
H. & B.

of the said Companies, for the carrying the said requirement into effect; and in the event of the said Companies failing to agree upon the terms and conditions of the said running powers, or the cost of the laying of the said third rail, or of the maintenance thereof, such agreement and the terms thereof, and the remuneration to be paid in respect thereof, and of the grant of such running powers, shall be settled at intervals of five years by arbitration, the arbitrators to be appointed as hereinafter mentioned, and the said respective Companies shall obey and perform the said award, and execute an agreement in accordance therewith, and thereafter duly observe and perform the terms of such agreement.

G. W. to erect
and maintain
at London
workshops of
L. & P. S.

and

Principal car
shops of G. W.
R. and
branches.

To employ at
London 200
workmen more
than now.

Men employed
in Ontario car
works not in-
cluded in 200.

ELEVENTH—The Great Western Railway Company shall, within twelve months, erect, and thereafter during the said term of twenty years, continue and maintain in the city of London (or within one mile of the limits thereof,) the car and other workshops for the line of the London and Port Stanley Railway, and the principal workshops for building and repairing the cars that are used for the lines of railway which the Great Western Railway Company may, during the said term of twenty years, run or work; and shall employ and keep employed in the said city of London, (or within one mile of the limits thereof,) during the said term, two hundred railway workmen more than they now have employed as railway workmen in the said city of London (or within one mile of the limits thereof): Provided always, that in the event of the said Great Western Railway Company becoming the owners or lessees of the car works of the Ontario Car Company, or employing any workmen therein, the workmen employed therein shall not be reckoned or taken into account in estimating the number of employees which the said Great Western Railway Company hereby covenant to employ.

G. W. to change
gauge of L. &
P. S. to 4 feet
8½ inches.

TWELFTH—The Great Western Railway Company shall, as soon as possible, and within twelve months from the date thereof, at their own expense, alter the gauge of the London and Port Stanley Railway to a uniform gauge of four feet eight and one-half inches.

Location of
buildings on L.
& P. S. not to
be changed
without con-
sent.

THIRTEENTH—The Great Western Railway Company shall not, during the said term, make any alteration in the location of the buildings on the London and Port Stanley Railway, without the consent in writing of the London and Port Stanley Railway Company.

Excursion
trains to Port
Stanley.

FOURTEENTH—The weekly excursion trains from London to Port Stanley shall be continued during the said term of twenty years by the Great Western Railway Company as they have hitherto been run by the London and Port Stanley Railway Company. The fare from London to Port Stanley and back on such trains shall not exceed thirty cents current funds for each person, and such fare shall include all charges for the use by the passengers by excursion trains of the grounds known as the London and Port Stanley Railway picnic grounds at Port Stanley, as has heretofore been customary.

Rates on oil
from Enniskil-
len.

FIFTEENTH—The amount charged for freight on oil from the Township of Enniskillen, or its neighbourhood, to the City of London freight depot, by the Great Western Railway Company

on its main line, or on any branch or other line under its control or management, shall not exceed the amount, from time to time during the said term, charged for freight on oil by any line of railway from the Township of Enniskillen or its neighbourhood to Saint Thomas or its neighbourhood.

SIXTEENTH—The amount to be charged for freight on refined petroleum or coal oil by the Great Western Railway Company on its main line, or on any branch line or any line under its control, from London freight depot to New York, or any point easterly from London, shall not exceed the amount for like freights charged by any line or lines of railway from St. Thomas or its neighbourhood to the same point from time to time during the said term.

Rates on refined oil going east.

SEVENTEENTH—The charges for all or any freights from London to New York, Chicago, or any other competing point or points easterly or westerly of London, *via* the main line of the Great Western Railway, or any branch thereof, or any line or lines under its control, and from New York, Chicago, or any such other competing point or points easterly or westerly of London, to London, shall not exceed the amounts charged for similar freights between St. Thomas and the same points by any line or lines of railway.

Rates to or from London east or west.

EIGHTEENTH—All railways of the same gauge, from time to time, as the London and Port Stanley Railway, at any time running to St. Thomas, shall have the right during the said term to have their freight cars, whether loaded or not, run from London to all and every point on such railways—not being a point or points touched by the Great Western Railway or its branches or connections—and from such point or points to London; but the Great Western Railway shall, with all reasonable despatch, haul such cars from London to St. Thomas, or St. Thomas to London, as the case may be, charging the Company whose cars they haul loaded, a sum bearing the same proportion to the freight earned for the entire trip that the distance between London and St. Thomas bears to the whole distance from the place of shipment to the place of delivery. The charge for haulage, as above, shall include the haulage of the cars, if empty, on the return trip from London, and the haulage of empty cars to London, for the purpose of taking freight therefrom. If empty cars shall be required to be hauled for any purpose other than as aforesaid, the Great Western Railway Company shall be entitled to charge a reasonable sum for such service. But nothing in this clause contained shall entitle such Railways which run to St. Thomas as aforesaid, to have their freight cars run as aforesaid in cases where the said cars are run, or intended to be run, or the contents thereof carried, or intended to be carried, over the London and Port Stanley Railway to or from any point on the said railways running to St. Thomas, which is served by the Great Western Railway, or its branches, or connections, and which by such use of the London and Port Stanley Railway would be the means of affording competition with the Great Western Railway, either in its Canadian or American traffic.

All railways running to St. Thomas, of same gauge as L. & P. S. railway, may have cars run via L. & P. S. between London and no competing points.

G. W. charging pro rata for hauling over L. & P. S. R.

Charge to cover return trip empty, or going empty for freight.

Reasonable charge for hauling other empty cars.

This clause not intended to afford means of competition with G. W. for Canada or U. S. traffic.

NINETEENTH—The London and Port Stanley Railway Company reserves the right and power to grant to the Corporation of the City of London, or their appointees, at any and all times

L & P S may permit City of London to lay

pipes &c., for waterworks.

during the said term, the right and permission to lay and sink at their own expense in and along the line and bridges of the London and Port Stanley Railway, pipes, machinery and appliances for the conduct of water to the said city from any point or points, and in such way not interfering with the safety of the said railway,

If G W obtain control of Port Stanley harbour the harbour dues not to exceed one-fifth of rates in Schedule A., nor the present rates.

TWENTIETH.—If at any time or times during the said term of twenty years, the Great Western Railway shall obtain the control, care or management of the harbour at Port Stanley, or shall directly or indirectly receive or be entitled to the harbour dues, revenues and receipts thereof, then at and during all such time and times the harbour tolls charged upon all freight which shall be taken or pass over any portion of the London and Port Stanley Railway, shall not exceed one-fifth of the freight rates in the said Schedule "A" mentioned, so far as such tolls shall be chargeable against any class of articles in the said schedule mentioned, and in no case, either as to the said classes of articles, or any other articles of freight, shall any higher or greater tolls be charged than are now charged as harbour tolls at the said port.

L & P S sell to G W rolling stock, &c.

TWENTY-FIRST.—The London and Port Stanley Railway Company sells to the Great Western Railway Company, who buy of them, the engines, rolling stock and appurtenances, plant and surplus stores of the former company, at a price or sum to be agreed upon between the two companies within two weeks from the date of this agreement. In the event of the parties failing to agree as to the price, the value of the said articles is to be settled by the award of arbitrators to be appointed as hereinafter mentioned, and such value shall be the purchase money. The said purchase money shall be paid by the Great Western Railway Company to the London and Port Stanley Railway Company forthwith, after the amount thereof shall have been ascertained by the agreement of the parties or the award of the arbitrators.

Failing agreement arbitration as to prices.

G W to keep road properly supplied with rolling stock.

TWENTY-SECOND.—And the Great Western Railway Company covenant that they will keep the road properly supplied with rolling stock, sufficient for the requirements of the traffic and the efficient working of the London and Port Stanley Railway.

Canada Air Line part of G W R.

TWENTY-THIRD.—It is mutually agreed that for the purpose of this agreement the Canada Air-line is to be taken and considered as part of the Great Western Railway.

G W not to assign or sublet without leave.

TWENTY-FOURTH.—And the Great Western Railway Company covenant that they will not assign or transfer this indenture or their rights thereunder, or any of them, or sub-let the said Railway or any part thereof, without the consent in writing of the London and Port Stanley Railway Company first had and obtained.

If rent unpaid for 30 days, and one month's notice given, or in event of breach of covenants by G W then

TWENTY-FIFTH.—Provided always and it is hereby expressly agreed, that if the rent hereby reserved, or any part thereof, shall be unpaid for thirty days after any of the days on which the same ought to have been paid, and after one month's notice requiring such payments has been given to them, or in case of the breach or non-performance of any of the covenants or

agreements herein contained on the part of the Great Western Railway Company, then, and in either of such cases, it shall be lawful for the London and Port Stanley Railway Company to enter into and upon the said railway, or any part thereof, in the name of the whole, to re-enter and the same to have, acquire, re-possess and enjoy as of their former estate, anything hereinbefore contained to the contrary notwithstanding.

L & P S may re-enter.

TWENTY-SIXTH.—In consideration of the Corporation of the City of London assenting to the provisions of this agreement, the said Corporation shall be entitled, in case of a breach on the part of the Great Western Railway Company, of any of the covenants on their part contained herein, to enforce the forfeiture clause hereinbefore contained, but nothing hereinbefore contained shall affect or prejudice the rights of the said Corporation in respect of the mortgage bonds held by them against the said London and Port Stanley Railway Company, so as to prevent the said Corporation from enforcing the same, or any rights that they may acquire to the said Road by means or in consequence thereof, in the event of default on the part of the Great Western Railway Company in performing the covenants and agreements on their part contained in these presents; or, in the event of the mortgage bonds held by any other person, or the claims of any other person, being without the consent or concurrence of the said Corporation, enforced against the said the London and Port Stanley Railway Company, from establishing their claims as mortgage bondholders, and participating as such in the fruits of any litigation or proceeding on the part of any such other mortgage bondholder or such other persons.

In consideration of London assenting to this agreement the corporation may enforce forfeiture clause.

If G W make default, City of London may enforce its bonds against L & P S.

If other persons seek to enforce bonds without concurrence of London that city may establish its claim and participate in proceeds.

TWENTY-SEVENTH.—And it is hereby agreed, that in case any dispute shall arise relating to any matter herein contained, and agreed to be settled by arbitration, the same shall be finally determined by two independent persons, one to be chosen by each of the said parties to such dispute, and such arbitrators shall, before proceeding with the reference, appoint a third arbitrator to act with them, and, the decision of the said three arbitrators, or a majority of them, shall be conclusive on both parties, and in case either of the said parties shall neglect, or fail to appoint an arbitrator within seven days after the request in writing by the other party, then the arbitrator appointed by the other party may proceed alone, and his award shall be conclusive on all parties. The award shall be made within three months after the appointment of the first of such arbitrators.

Arbitration Clause.

TWENTY-EIGHTH.—In case it shall be necessary at any time that an arbitrator or arbitrators should be appointed under the provisions of the Common Law Procedure Act, such appointment shall be made only by one of the judges of one of the superior courts of law, or the Court of Chancery.

Arbitration Clause.

TWENTY-NINTH.—Notwithstanding this agreement, the agreement between the parties hereto executed and entered into on the twenty-fifth day of April, 1870, shall not merge, but shall, on the termination of this agreement, be and remain as if these presents had not been executed.

Agreement of 25th April, 1870, not to merge.

In witness whereof, the said London and Port Stanley Railway Company and the Great Western Railway Company have

hereunto placed their corporate seals, the day and year first above written.

Signed by the President of the
London and Port Stanley Rail-
way Company, and this Indenture
executed by the said Company in
the presence of

E. J. PARKE.

(Signed,) JAMES EGAN,
President.

{ Seal of London
and Port Stanley
Railway Company. }

Signed by the President of the
Great Western Railway and
countersigned by the Secretary.
BRACKSTONE BAKER,
Secretary.

(Signed,) THOMAS DAKIN,
President.

{ Seal A of Great
Western Rail-
way Company. }

SCHEDULE A.

LONDON AND PORT STANLEY RAILWAY.

*Proposed special rates, exclusive of Wharfage or Harbour
Dues, which are not to be exceeded.*

CLASSIFICATION.	London to Port Stanley & Vice Versa.		Port Stanley to London & Vice Versa.	
	\$	c.	\$	c.
1.—Lumber—Pine, Green, per M.....	0	80	0	80
2.— “ “ Dry, per M.....	0	70	0	70
3.—Square Timber—Pine, per M.....	0	80	0	80
4.—Lumber and Square Timber—Hard Woods—one-third more, respectively, than rates 1, 2 and 3.....	0	80	0	80
5.—Block Stone per ton, including receiving and loading.....	0	85	0	85
6.—Stone (other than Block stone), per ton.....	0	55	0	55
7.—Brick per M.....	1	00	1	00
8.—Iron per 2000 lbs., including receiving and loading.....	0	70	0	70
9.—Pig Iron per 2240 lbs., including receiving and load- ing.....	0	60	0	60
10.—Coal per ton, including receiving, loading and sto- rage.....	0	70	0	70
11.—Salt per Bbl.....	0	09	0	09
12.—Fish per Bbl.....	0	09	0	09
13.— “ per ½ Bbl.....	0	05	0	05
14.—Grain per 60 lbs., including freight, elevation, put- ting in vessel, and seven days storage.....	0	02	0	02
Storage for 10 days, or any portion of ten days after first seven.....	0	04	0	04
If over 17 days, and not more than 7 days, extra.....	0	04	0	04
If over 37 days, one ½ cent extra for every month or fraction of a month.....				
The Storage charges on Grain never to exceed the rates charged in Montreal.....				
Crude or Refined Oil per car load.....	6	00	6	00

BILL.

In Act to amend an Indenture
the London and Port Stanley
Company, and the Great West-
ern Railway Company.

First Reading, 13th February,

(PRIVATE BILL)

Mr. R.

An Act to Incorporate the Toronto Dry Dock and
Salvage Company.

WHEREAS it is desirable for the benefit of the Province Preamble.

generally, and especially for the shipping interest, that additional facilities be afforded in the harbour of Toronto for the building, repairing, rescuing, moving, sheltering, loading and unloading of vessels, and for the increase of warehousing accommodation and other purposes: And whereas, the persons hereinafter mentioned have by petition prayed to be incorporated for the purpose of creating such additional harbour accommodation and for other purposes hereinafter mentioned:

10 Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. A. T. Fulton, Arthur Harvey, W. B. Scarth, Joseph E. McDougall and S. C. Kanady, and every such person or persons, body and bodies politic and corporate, as shall, under the authority of this Act, be associated with them and their several and respective successors, executors, administrators and assigns, as stockholders in the corporation hereby created, shall be a body politic and corporate, by the name of The Toronto Dry Dock and Salvage Company: and by that name shall and may have perpetual succession and a common seal, with power to break and alter the same; and by that name shall and may sue and be sued, implead and be impleaded in all courts of law or equity in the Province; and the said corporation shall have their principal place of business in the City of Toronto, but may open offices at such place or places either in this Province or elsewhere, as may be found necessary or convenient for the purpose of their business.

Names of persons incorporated.

Corporate name and powers.

Places of business.

2. The said company is hereby authorised and empowered at its own cost and charges to construct at or near Toronto, a wharf or wharves, with a wet dock, dry dock, graving dock, marine slips, marine railway and railway sidings, turn tables and stations, regulated for the building, repairing, loading, discharging, sheltering of all vessels, shipping and craft propelled by steam or sail or otherwise, which said wharf or wharves and docks shall be accessible to and safe and commodious for the reception of such sail, steam or other vessels as now are engaged in the inland trade of this country; and also canals, to erect and build such necessary moles, piers, breakwaters, wharves, or other erections or constructions whatever as shall be useful and proper for the purposes aforesaid, for the protection of the wharves or docks, and for the accommodation and convenience of vessels entering, lying, loading or unloading.

Company may construct wharves, docks, &c.

Repairs of wharves, piers, &c. building, repairing or fitting up in the same; and to alter, and amend, and repair, and enlarge their said works, wharf or wharves, docks, railway and railway sidings as aforesaid, as may from time to time be found necessary or expedient; and also to erect and build elevators, sheds, stores and warehouses for the reception and storage of grain, goods, wares and merchandize, free of duty or in bond or otherwise; and also to have power to build or purchase and own steam and other vessels, steam pumps, pontoons, and all such apparatus requisite or in use for wrecking purposes, or as they shall deem necessary and expedient.

Corporation may hold real and leasehold property to extent of \$400,000. 3. It shall be lawful for the said corporation from time to time to purchase or lease, and to have and hold such lands and tenements, and real and immovable property and leasehold interests as may be necessary for carrying on the business of the said corporation, provided the portion of the capital of the company appropriated to the purchase of such real property, or leasehold interests, do not at any time exceed four hundred thousand dollars: and it shall be lawful for the said corporation to sell, lease, or otherwise dispose of the said property and estate, from time to time, as they may see fit.

Buying and selling stock in certain companies. 4. It shall be lawful for the said corporation to purchase and hold stock or shares in any line or company of steam or other vessels navigating the inland waters of the continent, and the same to sell or dispose of as they may see fit; to make contracts for the raising or purchase of wrecks and sunken vessels, and from time to time to make advances on goods stored in the elevators, stores or warehouses of the said corporation; to receive, take, and hold security or securities of any kind for such advances, and for any debt or debts which may at any time become due to the said corporation, and to charge a commission on such advances, for which advance and commission the said corporation shall have a lien upon such goods, and power to sell the same if such advances are not repaid according to the agreements made in respect thereto; and it shall also be lawful for the said corporation to issue certificates of goods received or warehouse receipts therefor, on the production of which the holder thereof, and on compliance by him with the terms thereof, the said corporation shall be compellable to deliver such goods, and not otherwise; and such warehouse receipts shall be transferable by endorsement either special or in blank, and on delivery of such goods by the said corporation, in good faith, to a person in possession of such warehouse receipts, the said corporation shall be free from all further liability in respect thereof.

Until the election of directors the affairs of company may be managed by provisional directors. 5. The said A. T. Fulton, Arthur Harvey, W. B. Scarth, Joseph E. McDougall, and S. C. Kanady, shall be the provisional directors of the said corporation, until the first election of directors thereof, and shall have power to open books for the subscription of stock therein, and generally to exercise the functions of provisional directors; and such first election of directors shall be made at a general meeting of the stockholders of the said company, to be held for that purpose at the City of Toronto within thirty days after one-fifth of the capital stock shall have been subscribed for, notice of which meeting shall be published for at least two weeks in one of the newspapers in said City of Toronto, the time and place of such meeting to be

stated in such notice ; and at such meeting five directors shall be elected to hold office until the first Wednesday of February then next following ; and after such first election the stock, real and personal property, affairs and concerns of the said company shall be managed and conducted by five directors to be annually elected by the stockholders, at a meeting of stockholders to be held for the purpose on the first Wednesday in February in each year, notice of which annual meeting shall be given at least thirty days previous to the day of holding such meeting, by public advertisement in some one of the newspapers published in Toronto ; and no person shall be qualified to be a director of the said company unless he be the proprietor of at least ten shares of stock therein.

Annual election.

Notice of meeting for election.

6. The failure to hold the said first general meeting or any other meeting to elect directors or president, shall not dissolve said corporation, but such failure or omission shall and may be supplied by any special meeting to be called by the directors in conformity with the by-laws of the said corporation ; and until the election of directors by shareholders as aforesaid, those who may be in office for the time being shall be and continue in office and exercise all the rights and powers thereof until such election be made by the shareholders as hereinbefore provided.

Case of failure of any election provided for.

7. The directors for the time being or the major part of them shall from time to time have power to make such by-laws, rules and regulations as to them shall appear needful and proper for the purposes of this Act ; printed copies of such by-laws certified by the secretary shall be posted up in a conspicuous position in the offices of the said corporation, and until they have been so posted up such by-laws shall have no force or effect whatsoever.

Directors to make by-laws, and for what purpose.

8. It shall be lawful for the directors to elect one of their number to be the president of the said corporation, and to appoint such officers, managers, clerks and servants, with such emoluments as they may see fit, and in their discretion to take such security from such officers, managers, clerks and servants or any of them as the said directors may deem necessary.

The president to be elected.

Security to be given by officers,

9. Three of the directors shall form a quorum for the transaction of all business, and may exercise all the powers of the directors.

Quorum.

10. No by-law, rule or resolution for the raising of money or disposing of the real estate of the corporation shall be finally passed until confirmed by the shareholders at a meeting specially called for that purpose :

Raising of money or disposing of the real estate to be confirmed by shareholders.

2. And whenever any vacancy shall happen among the directors, by death, or resignation, such vacancy shall be filled up until the next general meeting of shareholders by the appointment of some one of the shareholders to the vacancy so occurring by death or resignation, as aforesaid ; and the majority of the directors for the time being shall have power and authority to elect and appoint the person to fill or supply the vacancy made in the board of directors by either of the causes aforesaid, and the directors shall have power and authority to make such calls for money from the several shareholders for the time being, as may be provided for by any by-law, rule or regulation

Vacancy in direction how filled.

Power of directors.

Action for
unpaid calls.

of the said corporation, and they may sue for and get in all calls whenever made, or cause and declare the said shares to be forfeited to the said corporation in case of non-payment, on such terms and in such ways as shall be prescribed by any by-law of the said corporation; and in order to maintain an action for the recovery of calls due it shall be sufficient to prove by any one witness that the defendant, at the time of making such call, was a stockholder in the number of shares alleged, and that the calls sued for were made, and notice thereof given in conformity with the by-laws of the said corporation, and it shall not be necessary to prove the appointment of directors or any other matter whatsoever.

Further power
of directors.

11. The said directors may make any payments and enter into any contracts for the purpose of the said corporation, and for all matters necessary for the transaction of its affairs; may generally deal with, treat, purchase, loan, sell, mortgage, let, release and dispose of and exercise all acts of ownership over the lands, tenements, property and effects of the said corporation; may institute and defend, in the name of said corporation, all suits at law; shall have power to collect and receive all charges sub-

Actions gene-
rally.

Collection of
charges, dues,
&c., on goods.

ject to which goods or commodities may come into their possession, and on payment of such back charges shall have the same lien for the amount thereof upon such goods or commodities, as the persons to whom such charges were originally due, had upon such goods or commodities while in their possession; and shall and may have power to do all things whatever which may be necessary to carry out the objects of the corporation.

Declaring div-
idends annu-
ally, and state-
ment of
accounts.

12. It shall be the duty of the directors to make annual dividends of so much of the profits of the said company as to them or a majority of them, shall seem advisable; and once in each year an exact and particular statement shall be rendered by them of the state of the affairs, debts, credits, profits and losses of the said corporation and such statement shall appear on the books, and be open for the personal of any stockholder upon request at least one week before the annual meeting of the said company.

Power to levy
rates upon
vessels.

13. It shall be lawful for the said corporation to levy upon all vessels or rafts entering, departing from or being anchored, or otherwise moored, fastened or lying within the limits of the property of the company, and upon all goods landed or shipped, carried or deposited or stored therein such wharfage and such storage rates, and such other rates or tolls, not exceeding those limited in the schedule hereunto annexed as the directors may, from time to time, fix and establish as hereinafter provided, and the said rates and dues shall be levied as follows:

By whom pay-
able upon ves-
sels.

1. On all vessels, the dues thereon as well as the wharfage rates upon the cargoes, shall be paid by the master or person in charge thereof saving to him such recourse as he may have by law against any other person for the recovery of the sums so paid: Provided, however, that it shall be lawful for the said corporation to demand and recover the said wharfage rates from the owners or consignees of such vessels or from the owners, consignees or agents of ships or shippers of such cargoes if they see fit to do so; and in the event of goods lying unclaimed on the wharves or in the warehouses or elevators of the said corporation for a period of ninety days, such goods may be sold by

Proviso: may
be recovered
from owners
or consignees.

Unclaimed

public auction, after three weekly advertisements thereof shall have been published in any newspaper in the City of Toronto, and the said corporation shall account for the proceeds thereof to the owner thereof on demand, first deducting all their lawful charges thereon, and if such goods be of a perishable nature, they may be sold within a shorter time, provided cause for such sale be shewn, by affidavit before any justice of the peace or magistrate for the City of Toronto or County of York, and an order for such sale procured from such justice or magistrate, who is hereby authorized to grant the same.

14. It shall be lawful for the directors, from time to time, to ask, demand and receive from all owners or masters of vessels or persons in charge thereof from owners, consignees or agents of all wares goods or other merchandise rates, tolls, dues and duties for moorages of rafts, vessels or boats propelled by steam, sail or otherwise which may, from time to time, enter or depart from wharf or wharves, or within limits of said company's property, or which may be lying or anchored or otherwise moored, or fastened thereon, and upon all goods, wares and merchandise landed, shipped, carried or deposited or stored therein, not exceeding those limited in the schedule hereunto annexed.

15. In case of non-payment of the said dues or tolls or part thereof or of any other charge which under the Act the said corporation may lawfully make, it shall be lawful for the said corporation to seize forthwith, before judgment, any vessel or goods whatsoever, upon which such dues or other charges may be owing, and to detain the same at the risk, cost and charges of the owner, until the sum due and the charges incurred for the seizure and detention of the same be paid in full; and in the event of such rates, dues or charges remaining due for forty days after such seizure, such vessel or goods may be sold by the said corporation by public auction, after the publication, in any newspaper in the said City of Toronto, of three weekly advertisements of such sale, and the said corporation shall thereafter, on demand, account to the owner of such vessel or goods for the proceeds of such sale after deducting the rates or tolls due, and all their other legal charges.

16. It shall be lawful for the said corporation to require, from the master or person in charge of every vessel using or mooring to the said wharf or wharves, a report in writing, signed and certified by him of his vessel's cargo inwards and her draft of water, such report to be made before he shall break bulk; also of her outward cargo and draft of water before his vessel shall leave the wharf or wharves of the said company, and such other particulars as may be necessary to carry out the provisions of this Act, and in case of refusal to make such reports, or any of them, it shall be lawful for the said corporation to seize and detain such vessel, at the risk, cost and charges of the master, owner or person in charge thereof, until the aforesaid requirements are complied with: Provided always that nothing herein contained shall prevent the said corporation from making such mutual agreement with the master, owner or agents of steamboats or other vessels, with respect to making such reports, and with respect to the payment of all other dues as may be considered expedient; and provided also that nothing herein contained shall be construed to prevent said corpor-

goods how to be dealt with.

company may levy tolls and rates not exceeding those in schedule

Seizure of vessels and goods for non-payment of dues.

Sale of vessels or goods if tolls are not paid.

Masters of vessels required to make certain reports

Proviso. Corporation may agree with masters of steamboats &c.

Proviso, for further agreements.

ation from commuting with said masters, owners or agents of steamboats and other vessels for all rates and dues accruing thereon, on such terms and conditions, and for such sum or sums of money, and for such periods as to the said corporation may seem fit and expedient.

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Vessels may be seized for injury done to wharves, &c.

17. If any injury shall be done to any of the wharves, piers or other works on the said company's property constructed, or to be constructed by any vessels, or by the carelessness or wantonness of the crew thereof while, in the execution of their duty, or of the orders of their superior officers, it shall be lawful for the said corporation to seize such vessel, and detain her until the injury so done shall have been repaired by the master or crew, or until security shall have been given by the master to pay such amount for the injury and costs as may be awarded in any suit, which may be brought against him for the same, and he is hereby declared to be liable to the said corporation for any such injury.

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Recovery of dues and penalties.

18. All dues and penalties imposed by this Act, or by any by-law made under the authority thereof, and all rates, tolls and dues, authorized to be levied under and by virtue of this Act, may be recovered by civil action or proceeding at the suit of the said corporation, before any court of competent jurisdiction.

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Magistrate required to give an order for seizure of vessels, &c., when so required by the company or its agents.

19. The seizure of any vessel, which, under and by virtue of this Act, the said corporation may make for the purpose of enforcing the provisions thereof, may be effected upon the order of any magistrate in the City of Toronto or County of York, which order such magistrate is hereby authorized and required to give upon the application of the said corporation or its authorized agent before such magistrate, for any cause rendering such vessel liable to seizure, and on the affidavit of any one credible person, that the cause of such action as alleged in the complaint or information before such magistrate is well founded in fact, and such order may and shall be executed by any constable, bailiff or other person, whom the said corporation may choose to entrust with the execution thereof, and the said constable, bailiff or other person, is hereby authorized and empowered to take all necessary means, and to demand all necessary aid to enable him to execute the same.

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Capital stock of company.

20. The capital stock of the said corporation shall be one hundred thousand dollars, divided into one thousand shares of one hundred dollars each, and the shares of the said capital stock shall be transferable on the books of the said company in such manner and subject to such restrictions as shall be fixed by the by-laws of the said company, but no shareholder in the said corporation shall be in any manner liable or charged with the payment of any debt or demand due by the said corporation beyond the amount remaining unpaid of his, her or their subscribed share or shares in the capital stock of the said corporation; and the stock of said corporation it shall be deemed personal estate.

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Liability of shareholder

Stock personal estate

In certain cases directors to have power to issue paid-up stock.

21. The directors shall have power to issue paid-up stock in the said corporation, in payment of the price of real estate, or in the purchase of the leasehold interests required for the pur-

poses of this Act, and such paid up stock shall be free from all calls whatsoever, and from all claims and demands on the part of the said corporation, or of the creditors thereof to the same extent as if the amount of the same had been regularly called in by the said corporation, and paid by the holder thereof in full.

22. It shall be lawful for the said corporation from time to time to borrow either in this Province, or elsewhere, from any person or persons or company or corporations willing to lend the same, all such sum or sums of money, not exceeding in, all at one time, one-half the paid up capital stock of the said corporation, as they may find expedient, and to make the bonds, debentures or other securities that they shall grant for the sums so borrowed, payable in lawful money of Canada, or sterling, and in sums of not less than two hundred dollars, with interest, at such place or places within or without this Province as they may deem advisable, and such bonds, debentures or other securities may be made payable to bearer or transferable by simple endorsement or otherwise, and such bonds or debentures upon registration in the registry office of the city or county wherein the said works are situated, shall constitute and be a mortgage ranking according to the date of such registration by special privilege upon all the property, real and personal, of the said corporation, including the revenues, rates, tolls, dues and duties thereof.

The company shall have power to borrow any sum or sums of money not exceeding at one time one-half the paid-up stock.

23. At all meetings of the stockholders, held in pursuance of this Act, whether the same shall be annual or special, every shareholder shall be entitled to as many votes as as he shall have shares in the said stock, and such vote or votes may be given in person or by proxy, and all questions proposed or submitted for the consideration of the said meeting shall be finally determined by the majority of the votes of the stockholders present in person or by proxy, except in any case or cases otherwise provided for by this Act, and provided also, that no person shall be entitled to vote as proxy at any meeting unless he shall be a stockholder of the said corporation, and produce written authority as such proxy.

Proportion of votes to shares.

May vote by proxy.

Majority to decide.

Proviso.

24. If at any future period the sum of one hundred thousand dollars shall be found insufficient for the purposes of this Act, it shall be lawful for the said corporation from time to time to increase their capital stock by a further sum not exceeding five hundred thousand dollars, subscribed either among themselves or by the admission of new stockholders; such new stock being divided into shares of one hundred dollars each: Provided always, that such increase be decided upon and ordered by a majority of the stockholders in value in the said corporation, present in person or by proxy, at a meeting held for the purpose.

Issue of new stock in certain shares in case of an increase of stock.

Proviso.

25. Whenever power is by this Act given to do any thing, power shall be intended also to do all things which may be necessary to the doing of such things, and generally all words and classes herein, shall receive such liberal and fair construction, as will best answer the carrying into effect of this Act, according to its true intent and spirit: the words "by-laws, vessels, goods and dues" in the provisions of this Act, shall severally be construed to mean, and shall mean as follows: "the word by-laws" shall include and mean all by-laws, rules, orders and regu-

Interpretation clause.

lations made by the said corporation: the words "vessel" or "vessels" shall mean and include all ships, vessels, boats, barges, steamboats, scows, rafts, and floating craft whatsoever; the word "goods" shall mean and include all merchandize, grain, produce, animals, articles and things whatsoever, landed from a vessel or deposited on the wharves for the purpose of being shipped or otherwise; the word "dues" shall mean and include rates, tolls, duties and dues whatsoever, imposed under this Act.

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This Act not to affect the rights of Her Majesty.

26. Nothing herein contained shall affect or be construed to affect in any manner or way whatsoever, the rights of Her Majesty, her heirs and successors, or of any person or persons or of any bodies politic or corporate.

SCHEDULE.

FOR MOVING.

Vessels per day \$1 00 per 100 tons.

FOR DISCHARGING LOADING.

By Steam Crane or other Machinery.	Discharging from wharf.	Loading from wharf.	Wharfage, that is use of wharf while goods are being landed or loaded.	Discharging or loading to include wharfage and moorage of vessels and all expenses.
	\$ c.	\$ c.	\$ c.	\$ c.
Flour or other produce reduced to weight of flour per barrel	0 02	0 02	0 01	0 06
Grain salt, &c., per bushel	0 01	0 01	0 01	0 02
Merchandise and other goods, portion of 2,000 lbs ...	0 25	0 25	0 10	0 55

FOR FORWARDING.

To include one month's storage effecting insurance when ordered, cartage, receiving and delivering, passing custom-house entries, receiving freights, shipping by steam crane, forwarding shipping documents, cooperage, marking, &c.

	\$ c.
Flour and produce reduced to weight of flour per barrel	0 15
Grain, salt, &c., per bushel	0 05
Merchandise and other goods per ton of 2,000 lbs.	2 00

WHARFAGE ON SAWED LUMBER.

Hardwood and Pine per 1,000 feet	0 15
Shingles per 1,000	0 02
Railway ties and cedar posts per 100 pieces	0 40

FOR WAREHOUSING.

In warehouse.	First Month.	Succeeding Months.
Flour and Meal per barrel	0 05	0 02
Pork and Beef	0 06	0 03
Ashes	0 08	0 04
Butter and lard per keg	0 03	0 01
Grain per bushel	0 03	0 01
Salt	0 04	0 01
Liquors, wines and oils per 100 gallons	0 55	0 11
Iron per ton of 2,000 lbs.	1 60	0 40
Merchandise and other goods per ton of 2,000 lbs.	1 00	0 40
In open sheds.		
Coal and coke per chaldron	0 25	0 05
Pig iron and iron rails per ton of 2,000 lbs.	0 75	0 25
Bricks per mill.	0 30	0 30

BOOMAGE AND STORAGE OF TIMBER.

Receiving,	For Landing.	For Piling.
Staves standard per mille	2 00	2 00
" West India "	0 75	0 75
" Barrel "	0 50	0 50
Deals per standard hundred	0 50	0 50
Lathwood per cord	0 40	0 40
Oars and handspikes per 100 pieces	0 75	0 75

Delivering,	From the Bank.	From the Crib.
Hardwood per ton	0 50	0 40
Pine wood "	0 40	0 30
" white "	0 30	0 25
Deals per stand. hundred	1 50	1 20
Staves standard per mille	5 00	4 00
" West India "	1 75	1 25
" Barrel "	1 25	0 85
Lathwood per cord	0 60	0 60
Oars and handspikes per 100 pieces	2 00	2 00

TIMBER WHEN IN RAFT OR HALF-RAFT.

	First Month.	Second Month.	Third Month.	Fourth Month.	Fifth Month.	Sixth Month.
	\$ c.	\$ c.	\$ c.	\$ c.	\$ c.	Full Tariff rates.
Hardwood per 1,000 feet	0 0½	0 0½	0 01	0 1½	0 02	
Pine red do. do.	0 0½	0 0½	0 01	0 1½	0 02	
Pine white do. do.	0 0½	0 0½	0 01	0 1½	0 02	

N.B.—When rafts remain in after the first day of December; they will become subject to ground rent, and the full tariff scale will apply to them when delivered.

GROUND RENTS.

	Hardwood per ton.	Pine per ton.
Timber in rafts	0 20	0 10
" moulinette	0 15	0 10
Staves standard per mille		2 00
" West India "		1 00
" barrel "		0 60
Deals per stand. hundred		0 60
Lathwood per cord		0 40
Oars and handspikes per 100 pieces		0 50

N.B.—These charges will be due and payable on the 1st day of December of each year.

BILL.

**An Act to incorporate The Toronto Dry
Dock and Salvage Company.**

1st Reading, 13th February, 1874.

PRIVATE BILL.

Mr. DEROCHÉ

TORONTO :

PRINTED BY HUNTER, ROSE & Co.

An Act to incorporate "The Loyal Orange Association of Eastern Ontario."

WHEREAS, Samuel Stanley Peck, Thomas Deacon, Henry Merrick, George William Monk, William Robinson, Abram Code, Henry Corby, and John G. Giles, members of the Loyal Orange Association of Eastern Ontario, have, by their petition, prayed that the members of the said association may be incorporated by the name of "The Loyal Orange Association of Eastern Ontario;" and it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said Samuel Stanley Peck, Thomas Deacon, Henry Merrick, George William Monk, William Robinson, Abram Code, Henry Corby, and John G. Giles, together with Andrew Broder, the Rev. James Norris, John G. Moore, Wellington Boulton, William Henderson, John Holmes, Mackenzie Bowell, William Anderson, Robert Crampton, William Cox Allen, M.D., Edward Botterell the younger, Christopher Fletcher, H. C. Cronk, David Marshall, Hezekiah Martin, John Sweetland, M.D., Robert Delaney, Edward Clark, John Johnston, William Kidd, and all persons who are now, or may hereafter become, members of the Loyal Orange Association of Eastern Ontario, shall be, and they are hereby incorporated by the name of "The Loyal Orange Association of Eastern Ontario."

2. The said "The Loyal Orange Association of Eastern Ontario," shall be capable of taking, holding, conveying, and selling real estate, property, moneys, and securities, for the use and benefit of the said Association or any lodge, or members of the said Association, according to such by-laws, rules and regulations as the grand lodge of the said "The Loyal Orange Association of Eastern Ontario," shall from time to time prescribe and adopt: Provided that such rules, orders and regulations are not contrary to this Act, nor to the laws in force in this Province; And also, provided always, and it is enacted that the said corporation shall at no time acquire or hold as purchasers any lands or tenements, or interests therein, exceeding in whole at any one time the annual value of five thousand dollars, nor otherwise than for their actual use or occupation, for the purposes of the said corporation; And it is further enacted that the said corporation may by the name aforesaid, from time to time, take or hold by gift, devise or bequest, any lands or tenements, or interests therein, if such gift, devise or bequest be made at least six months before the death of the person making the

Powers as
lands, &c.

same; but the said corporation shall at no time take or hold by any gift, devise, or bequest, so as that the annual value of any lands or tenements, or interests therein, so to be taken or held by gift, devise or bequest, shall at one time in the whole exceed the annual value of one thousand dollars; and no lands or tenements, or interest therein, acquired by gift, devise, or bequest, shall be held by the said corporation for a longer period than seven years after the acquisition thereof; and within such period they shall respectively be absolutely disposed of by the said corporation, so that it no longer retain any interest therein; and the proceeds on such disposition shall be invested in public securities, municipal debentures, or other approved securities, not including mortgages, for the use of the said corporation; and such lands, tenements, or interest therein, or such thereof which may not within the said period have been so disposed of, shall revert to the person from whom the same was acquired, his heirs, executors, administrators or assigns.

Property at present held to be vested in the corporation.

3. All real estate and property held at the time of the passing of this Act in any manner whatever, by, or in trust for any lodge of "The Loyal Orange Association of Eastern Ontario," shall be, and is hereby declared to be vested in the said "The Loyal Orange Association of Eastern Ontario," without any deed, conveyance or assurance, but for the use and benefit of the said lodges, for which it was held at the time of the passing of this Act.

Lands held in trust to be conveyed to the corporation.

4. It shall be lawful for any person or persons in whom, or in whose name or names any lands, tenements and hereditaments, are now, or shall or may be hereafter vested in trust or otherwise, for the benefit of the said order, from time to time to convey, assign, or transfer by deed, under his or their hands and seals, in the usual legal way, all or any of the said lands, tenements, and hereditaments, unto the said corporation and their successors, for the purposes aforesaid, as provided by this Act.

Rights of Her Majesty and others not affected by this Act.

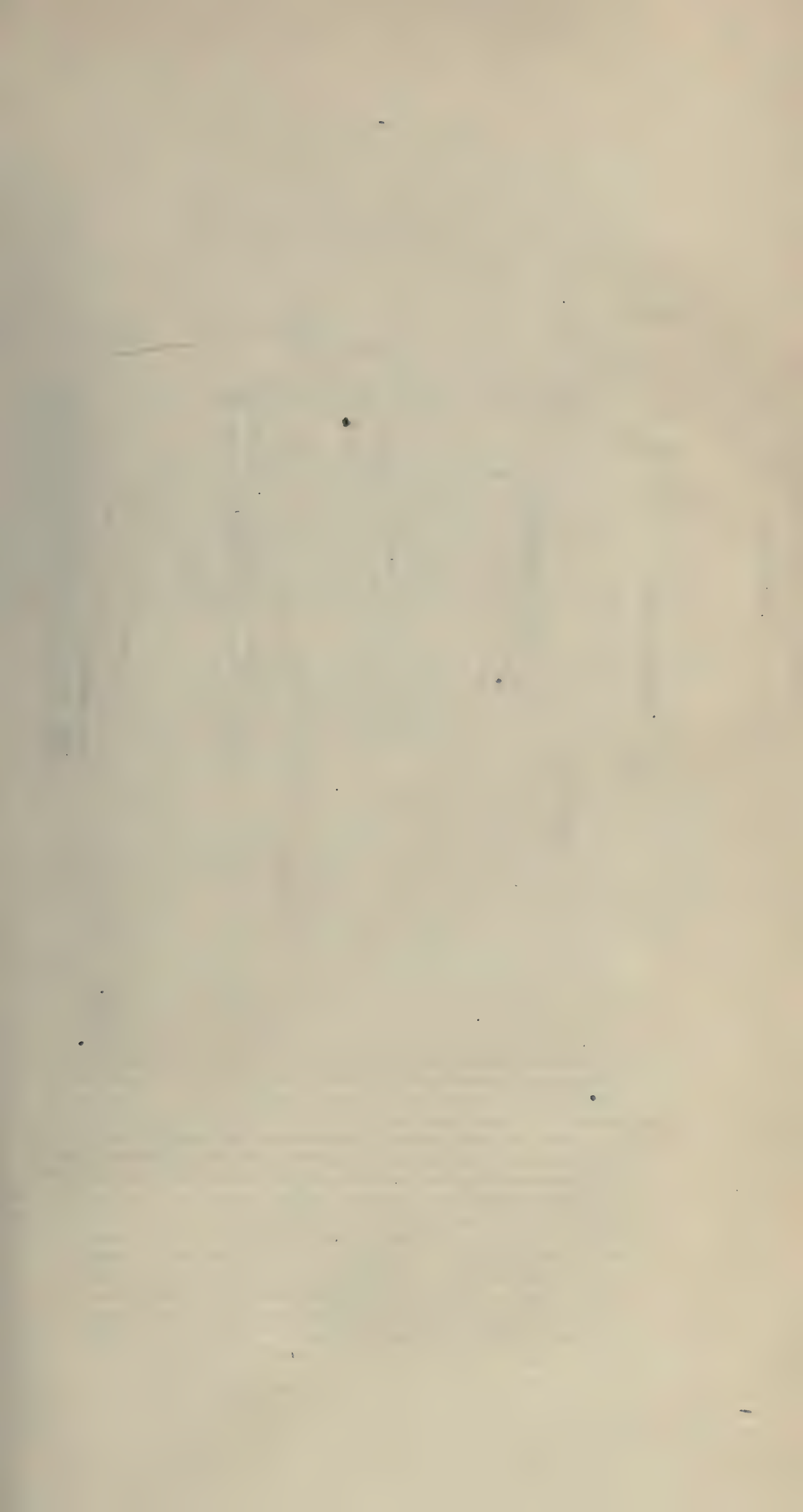
5. Nothing herein contained shall affect, or be construed to effect in any manner or way, the rights of Her Majesty, her heirs, or successors, or of any person or persons, or of any body politic or corporate, such only excepted as are herein mentioned and provided for.

Limit to real estate when held by the corporation.

6. Notwithstanding anything herein contained, the said corporation shall at no time take, acquire, or hold, or be competent to take, acquire, or hold, any real estate, or interest therein, exceeding the annual value of five thousand dollars, under any of the provisions herein contained, or otherwise.

Returns to be made to the Legislature.

7 It shall be the duty of the said corporation, when thereunto required by the Legislature, to lay before that body a statement of the real or immovable property or estates held by virtue of this Act, and such details thereof as the Legislature may require.



No. 63.

3rd Session, 2nd Parliament, 37 Victoria, 1874.

BILL.

An Act to incorporate "The Loyal Orange Association of Eastern Ontario."

First Reading, 18th February, 1874.

(PRIVATE BILL.)

MR. MENRIK.

TORONTO:

PRINTED BY HUNTER, ROSE & CO.

An Act to incorporate "The Loyal Orange Association of Western Ontario."

WHEREAS, D. A. Boulton, F. H. Medcalf, James B. Davis, Preamble.
Ogle R. Gowan, Alfred Medcalf, William Adamson, and
W. M. Middleton, members of the Loyal Orange Association of
Western Ontario, have, by their petition, prayed that the mem-
bers of the said Association may be incorporated by the name
of "The Loyal Orange Association of Western Ontario," and it
is expedient to grant the prayer of the said petition:

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:—

1. The said D. A. Boulton, F. H. Medcalf, James B. Davis, Incorporation.
Ogle R. Gowan, Alfred Medcalf, William Adamson, and W. M.
Middleton, and all other persons who are now or may here-
after become members of the Loyal Orange Association of West-
ern Ontario shall be, and they are hereby incorporated, by the
name of "The Loyal Orange Association of Western Ontario." Corporate
name.

2. The said "The Loyal Orange Association of Western On- Powers as to
tario," shall be capable of taking, holding, conveying, and sell- lands, &c.
ing real estate, property, moneys and securities, for the use
and benefit of the said association, or any lodge of the said as-
sociation, according to such by-laws, rules and regulations as the
Grand Lodge of the said Loyal Orange Association of Western
Ontario shall from time to time prescribe and adopt: Provided
that such rules, orders and regulations are not contrary to this
Act, nor to the laws in force in this Province; And also, pro-
vided always, and it is enacted, that the said corporation shall
at no time acquire, or hold as purchasers, any lands or tene-
ments, or interests therein, exceeding in whole at any one time
the annual value of five thousand dollars, nor otherwise than
for their actual use or occupation, for the purposes of the said
corporation; and it is further enacted that the said corporation
may by the name aforesaid, from time to time, take or hold by
gift, devise or bequest, any lands or tenements, or interests
therein, if such gift, devise or bequest be made at least six
months before the death of the person making the same; but
the said corporation shall at no time take or hold by any gift,
devise, or bequest, so as that the annual value of any lands or
tenements, or interests therein, so to be taken or held by gift,
devise or bequest, shall at any one time in the whole exceed the
annual value of one thousand dollars; and no lands or tene-
ments, or interests therein, acquired by gift, devise or bequest,
shall be held by the said corporation for a longer period than
seven years after the acquisition thereof; and within such period
they shall respectively be absolutely disposed of by the said cor-

poration, so that it no longer retain any interest therein ; and the proceeds on such disposition shall be invested in public securities, municipal debentures, or other approved securities, not including mortgages, for the use of the said corporation ; and such lands, tenements, or interest therein ; or such thereof which may not within the said period have been so disposed of, shall revert to the person from whom the same was acquired, his heirs, executors, administrators or assigns. 5

Property at present held to be vested in the corporation.

3. All real estate and property held at the time of the passing of this Act in any manner whatever, by or in trust for any lodge of "The Loyal Orange Association of Western Ontario," shall be, and is hereby declared to be vested in the said "The Loyal Orange Association of Western Ontario," without any deed, conveyance or assurance, but for the use and benefit of the said lodges, for which it was held at the time of the passing 15 of this Act.

Lands held in trust to be conveyed to the corporation.

4. It shall be lawful for any person or persons in whom, or in whose name or names any lands, tenements and hereditaments, are now, or shall or may be hereafter vested in trust or otherwise, for the benefit of the said The Loyal Orange Association 20 of Western Ontario, from time to time, to convey, assign, or transfer by deed, under his or their hands and seals, in the usual legal way, all or any of the said lands, tenements and hereditaments, unto the said corporation and their successors, for the purposes aforesaid, as provided by this Act. 25

Rights of Her Majesty and others not affected by this Act.

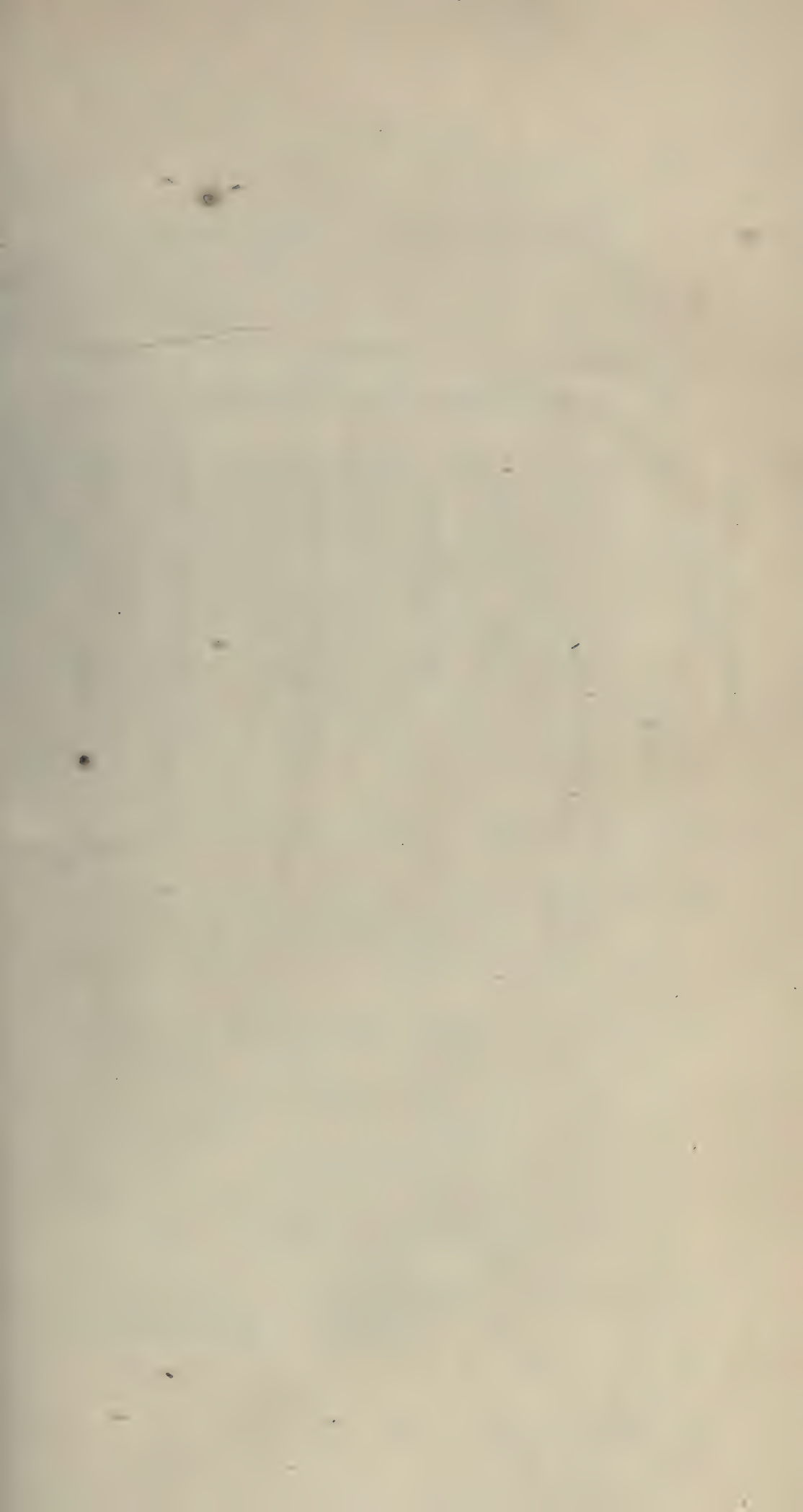
5. Nothing herein contained shall affect, or be construed to affect in any manner or way, the rights of Her Majesty, her heirs or successors, or of any person or persons, or of any body politic or corporate, such only excepted as are herein mentioned and provided for. 30

Limit to real estate when held by the corporation.

6. Notwithstanding anything herein contained, the said corporation shall at no time take, acquire or hold, or be competent to take, acquire or hold, any real estate, or interest therein, exceeding the annual value of five thousand dollars, under any of the provisions herein contained, or otherwise. 35

Returns to be made to the Legislature.

7. It shall be the duty of the said corporation, when thereunto required by the Legislature, to lay before that body a statement of the real or immovable property or estates, held by virtue of this Act, and such details thereof as the Legislature may require. 40



3rd Session, 2nd Parliament, 37 Victoria, 1874.

BILL.

An Act to incorporate The Loyal Orange
Association of Western Ontario.

First Reading, 13th February, 1874.

PRIVATE BILL.

MR. DEACON.

TORONTO:

PRINTED BY HUNTER, ROSE & CO.

An Act to incorporate the Ontario Central Railway Company.

WHEREAS, the Hon. John Simpson, Chester Draper, F. W. Glen, John Hamer Greenwood, Henry Hopkins, Truman P. White, William Blair, Frederick Green, A. E. Munson, Kirkman F. Lockhart, Thomas Dow, John Ham Perry, John S. M. Wilcox, J. E. Farewell, J. H. Long, Nicholas W. Brown, Joseph Begilow, John Dryden, Edward Major, S. J. Green, S. K. Brown, Charles King, Ira B. Carpenter, and T. G. McMillan have petitioned the Legislature of this Province for an Act of Incorporation to construct a railway from some point in the Town of Whitby, within the limits of the Port Whitby Harbour, through the Counties of Ontario, York and Simcoe, or some of them, to some point on Georgian Bay, in the vicinity of Collingwood, or between Collingwood and the mouth of the Nottawasaga River or adjacent thereto on said bay, with power to build a branch from some point on said Railway to Hogg's, Sturgeon or Matchedash Bay, or any other of the small bays on The Georgian Bay;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said parties above mentioned, together with such persons and corporations as shall in pursuance of this Act become shareholders in the said company hereby incorporated shall become and are hereby declared to be a body corporate and politic by the name of The Ontario Central Railway Company.

Incorporation.

2. The several clauses of the Railway Act of the Consolidated Statutes of Canada, and the amendments with respect to the first, second, third, fourth, fifth and sixth clauses thereof and also of the several clauses thereof with respect to "interpretation," "incorporation," "powers," "plans and surveys," "lands and their valuation," "highways and bridges," "fences," "tolls," "general meetings," "president and directors, their election and duties," "calls," "shares and their transfer," "municipalities," "shareholders," "actions for indemnity and fines and penalties, and their prosecution," "by-laws, notices, &c.," "working of the railway," and "general provisions" shall be incorporated with and be deemed to be part of this Act, and shall apply to the said company and to the railway to be constructed by them, except so far as they may be inconsistent with the enactments hereof and the expression "this Act," when used herein, shall be understood to include the clauses of the said Railway Act so incorporated with this Act as aforesaid.

Corporate Name.

Certain clauses of the Railway Act to apply.

Interpretation of the words "this Act."

Location of
line.

3. The company hereby incorporated, and their agents or servants shall have full power and authority under this Act to lay out, construct, and finish an iron railway from some point within the limits of the Port Whitby Harbour in the Town of Whitby, through the Counties of Ontario, York and Simcoe, or 5 some of them, to some point on Georgian Bay, in the vicinity of Collingwood, or between Collingwood and the mouth of the Nottawasaga River, or adjacent thereto on said Bay, with power to build a branch from some point on said railway to Hoggs, Sturgeon or Matchedash Bay, or any other of the small bays 10 on The Georgian Bay, and with power to continue the same to Lake Nipissing, or to form a junction with the proposed Canada Central or the Canada Pacific Railway, or both of them, and with power to construct the same in sections; and it shall and may be lawful for the said company to take and appropriate 15 the use of said Railway and the works connected therewith, so much of the land as may be necessary for the works of the said railway, but not to alienate the same.

Capital stock.

4. The capital of the company hereby incorporated shall be three hundred thousand dollars, with power to increase the same 20 in the manner provided by the Railway Act, to be divided into six thousand shares, of fifty dollars each; and shall be raised by the persons and corporations who may become shareholders in such company, and the money so raised shall be applied in the first place to the payment of all expenses for procuring the 25 passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized, and the remainder of such money shall be applied to the making, equipment, completion and working of the said railway, and the purposes of this Act. 30

Provisional
directors.

5. The Honourable John Simpson, The Honourable David Reesor, Chester Draper, T. P. White, Joseph Gould, F. W. Glen, George Neilson, J. H. Greenwood, A. E. Munson, K. F. Lockhart, William Blair, and Henry Hopkins shall be and are hereby constituted a board of provisional directors 35 of the said company, and shall hold office as such until other directors shall be appointed under the provisions of this Act by the shareholders; and it shall be law ful for the provisional directors, for the time being, of the said company, or a majority of the directors present, at a meeting called for the 40 purpose, to supply the place or places of any of their number, from time to time, dying or declining, or becoming incapable to act as such provisional directors, and to associate with themselves at a meeting of directors called for the purpose of deciding thereon, not more than five other directors who shall there 45 upon become and be directors of the company equally with themselves; which appointments, whether by reason of death or resignation, or the association of not more than five other directors, shall be made from the several subscribers for stock in the said railway company to the amount of five hundred 50 dollars each, during the period of their continuance in office, and on which ten per centum shall have been paid.

Powers of
provisional
directors.

6. The said board of provisional directors shall have full power to open up stock books, and procure subscriptions for the undertaking, to make calls upon the subscribers, to cause surveys 55 and plans to be executed, to enter into agreements for right

of way, terminal grounds, and gravel pits, and to call a general meeting of the shareholders for the election of directors as hereinafter provided, and such provisional directors may appoint a committee from their number to open such stock books, giving at least three weeks notice in the *Ontario Gazette*, in one paper published in the Town of Whitby, and some one paper published in each county through which the road is proposed to pass, of the time and place of meeting to open such books, and receive such subscriptions, and the said committee or a majority of them, may in their discretion exclude any person from subscribing, who in their judgment would hinder or delay the company in proceeding with their railway.

7. When, and so soon as shares to the amount of one hundred thousand dollars in the capital stock of the company shall have been subscribed, and ten per centum shall have been paid into one of the chartered banks of the Province or of the Dominion, or when, and so soon as such subscriptions, together with sums granted by municipalities, either by way of bonus, or in the subscription to the capital stock, shall amount to such sum of one hundred thousand dollars, and the debentures granted in payment of such bonus, or subscription, shall have been deposited in one of the chartered banks of the Province, or with the provincial treasurer in the names of trustees as hereinafter provided, the provisional directors or a majority of them present at a meeting duly called for the purpose, shall call a meeting of the subscribers for the purpose of electing directors, giving at least three weeks notice in a paper published in the Town of Whitby, and in each of the counties affected, and in the *Ontario Gazette* of the time, place and object of such meeting, and at such general meeting, the shareholders present either in person or by proxy, and who shall at the opening of such meeting have paid ten per centum on the stock subscribed by them, shall elect nine persons to be directors of the said company in manner and qualified as hereinafter directed, which said directors together with ex-officio directors under the Railway Act, or this Act, shall constitute a board of directors, and shall hold office until the first Monday of May, in the year following their election.

Meeting for
election of
directors.

8. The sums so paid shall not be withdrawn from the bank except for the purposes of this Act, nor shall the debentures so deposited, be otherwise applied than to the purposes of the railway as defined in the by-law or agreement between the municipality or municipalities granting the same, and the railway company in relation thereto.

Application of
money paid on
stock.

9. The directors for the time being may from time to time make calls as they shall think fit, provided that no calls shall be made at any one time of more than ten per centum of the amount subscribed by each shareholder, and thirty days notice shall be given of each call as provided in section seven.

Calls.

10. Thereafter the general annual meeting of the shareholders of the said company shall be held in such place in the Town of Whitby, and on such days, and on such hours as may be directed by the by-laws of the said company, and public notice thereof shall be given at least four weeks previously in the *Ontario Gazette*, and once a week in one daily newspaper published in the Town of Whitby, and in some one newspaper

Annual meet-
ings.

in each of the counties which have granted bonuses, or subscribed for stock.

Special meetings.

11. Special general meetings of the shareholders of the said company may be held at such places in the Town of Whitby, and at such times, and in such manner and for such purposes as may be provided by the by-laws of the said company, upon such notice as is provided in the last preceding section. 5

Qualification of directors.

12. In the election of directors under this Act, no person shall be elected unless he shall be the holder and owner of at least twenty shares of the stock of the said company, upon which all calls have been paid up. 10

Aliens.

13. Aliens, as well as British subjects, and whether resident in this Province or elsewhere, may be shareholders in the said company, and all such shareholders shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to office as directors in the said company. 15

Quorum.

14. At all meetings of the board of directors, whether of provisional directors or of those elected by the shareholders, five directors shall form a quorum for the transaction of business; and the said board of directors may employ one of their number as paid director. 20

If a portion of a municipality desire to a d. council to pass a by-law for the purpose.

15. In case at least fifty of the persons rated on the last assessment roll as freeholders, who may be qualified as voters under the municipal Act in any portion of a municipality, do petition the council of such municipality to pass a by-law as hereinafter set out, and in such petition do define the metes and bounds, or the section of the municipality within which the property of the petitioners is situated, or in the case of a county municipality, if fifty persons at least of the qualified ratepayers within the portion of the county affected, or the majority of the reeves and deputy reeves of those townships, towns or incorporated villages that may be asked to grant a bonus, do petition the council of such county municipality to pass a by-law as hereinafter set out, and in such petition do define the townships, towns or incorporated villages for which they are respectively the reeves and deputy reeves, and expressing the desire of the said petitioners to aid in the construction of the said railway, by granting a bonus to the said company for this purpose, and stating the amount which they so desire to grant and to be assessed therefor, and in such petition do define the municipalities or portions of municipalities that may be asked to grant such aid, the council of such municipality or county municipality as the case may be, shall pass a by-law and submit the said by-law to the vote of the qualified ratepayers of the municipality or municipalities, or portion of such municipality or municipalities, defined in said petition: 25 30 35 40 45

1. For raising the amount so petitioned for by such freeholders, or such reeves and deputy reeves in such portion of the municipality by the issue of debentures of the municipality payable in twenty years or earlier, or by annual instalments, and for the delivery to trustees of the debentures for the amount of said bonus at the times and on the terms specified in said petition;

2. For assessing and levying upon all the ratable property

lying within the section defined by said petition, an annual special rate, sufficient to include a sinking fund for the repayment of the debentures with interest thereon, said interest to be payable yearly or half yearly, which debentures the municipal councils, and the wardens, reeves and other officers thereof are hereby authorized to execute and issue in such cases respectively, provided the said by-law shall be approved of as in sections two hundred and twenty-six, two hundred and twenty-seven, and two hundred and twenty-eight, of the Municipal Act of one thousand eight hundred and sixty-six, chaptered fifty-one, by the majority of qualified electors voting thereon, in the municipality or portion of a municipality petitioning as aforesaid.

16. It shall be the duty of the warden or other head of the council, upon such petition, to call a meeting of the council for the purpose of introducing such by-law and submitting the same to the ratepayers, and within one month after the passing of such by-law, the said council and the warden, mayor, reeve, or other head thereof, and the other officers thereof, shall issue the debentures for the bonus thereby granted, and deliver the same to the trustees appointed or to be appointed under this Act.

On petition of ratepayers, meeting of council to be called.

17. In case any bonus be so granted by a portion of a local municipality, or a county municipality, the rate to be levied for payment of the debentures issued therefor, and the interest thereon, shall be assessed and levied upon such portion only of the municipality or county municipality.

Assessment on aid granted by a portion of a municipality.

18. The provisions of the Municipal Acts so far as the same are not inconsistent with this Act, shall apply to any by-law so passed by or for a portion of a municipality or county municipality, to the same extent as if the same had been passed by or for the whole municipality or county municipality.

Municipal Act to apply.

19. All by-laws to be submitted to such vote for granting bonuses to the said Company not requiring the levying of a greater annual rate than three cents in the dollar of the ratable property affected thereby, shall be valid.

Assessment not to exceed 3 per cent.

20. It shall be lawful for the corporation of any municipality through any part of which the railway of the said Company passes or is situate, by by-law especially passed for that purpose, to exempt the said company and its property within such municipality, either in whole or in part from municipal assessment or taxation, or to agree to a certain sum per annum or otherwise, in gross or by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as to such municipal corporation may seem expedient, not exceeding twenty-one years.

Exemption from taxation.

21. Any county municipality which shall grant a bonus of not less than five thousand dollars per mile for the line of the railway within the said county in aid of the said Company, shall be entitled through its council to name its warden as director in the said Company, as the representative of such municipality; and such director shall be a director in addition to all share-

Municipal directors.

holders directors in the said Company, and shall not require to be a shareholder in the said Company, and shall continue in office as director in the said Company until his successor shall be appointed by the municipality which he represents.

Debentures to be delivered to trustees.

22. Whenever a municipality or municipalities shall grant a bonus to aid the said Company, the debentures therefor shall be within six weeks after the passing of the by-laws, delivered to three trustees, one to be named by the Company, one by the municipalities granting such bonuses, and one by the Lieutenant-Governor in Council; Provided always that if the municipal councils interested, shall refuse or neglect to name a trustee within four weeks after notice in writing to them of the appointment by the Company, then the Company shall be at liberty to name such trustee; in the event of the death, resignation, inability or refusal to act, of any trustee, the party who originally appointed such trustees so dying, resigning or becoming incapable or unwilling to act, may appoint a successor, and in the event of such party failing for two weeks after notice in writing, to make such appointment, the Company may appoint such trustee.

Trusts on which debentures to be held.

23. The said trustees shall receive the said debentures in trust; firstly, to convert the same into money; secondly, to deposit the amount realized from the sale of such debentures in some one or more of the chartered banks having an office in the Town of Whitby, in the name of the Ontario Central Railway Municipal Trust Account, and to pay the same out to the said Company from time to time on the certificate of the chief engineer of the said railway, in the form set out in Schedule "A" hereto, or to the like effect, setting out the portion of the railway to which the money to be paid out is applied, and the total amount expended on such portion to the date of the certificate, and such certificate to be attached to the cheque to be drawn by the said trustees.

Act of two trustees binding.

24. The Act of any two of such trustees to be as valid and binding as if three had agreed.

Counties may exchange debentures.

25. Any county in which is or are situate a township or townships, or portion of a township, that shall grant a bonus or bonuses in aid of the said Company, shall be at liberty to take the debentures issued by such township or townships, or portion of a township, and in exchange therefor to hand over to the trustees under this Act the debentures of the county, on a resolution being passed to that effect by a majority of the county council.

Issue of bonds.

26. The directors of the said company, after the sanction of the shareholders shall have been first obtained at any special general meeting to be called from time to time for such purpose, shall have power to issue bonds made and signed by the president and vice-president of the said company, and countersigned by the secretary, and under the seal of the said company, for the purposes of raising money for prosecuting the said undertaking; and such bonds shall, without registration or formal conveyance, be taken and considered to be the first and preferential claims and charges upon the undertaking and the property of the company real and personal, then existing, and at any

time thereafter acquired; and each holder of the said bonds shall be deemed to be a mortgagee and incumbrancer *pro rata* with all the other holders thereof upon the undertaking and the property of the company as aforesaid: Provided, however, that
 5 the whole amount of such issue of bonds shall not exceed in all the sum of twelve thousand dollars per mile; And provided also further, that in the event at any time of the interest upon the said bonds remaining unpaid and owing, then at the next
 10 ensuing general annual meeting of the said company, all holders of bonds shall have and possess the same rights and privileges and qualifications for directors and for voting as are attached to shareholders; provided that the bonds and any transfers thereof shall have been first registered in the same manner as is provided for the registration of shares; and it shall be the duty
 15 of the secretary of the company to register the same on being required to do so by any holder thereof.

27. All such bonds, debentures and other securities, and coupons and interest warrants thereon respectively, may be made payable to bearer and transferable by delivery, and any holder
 20 of any such so made payable to bearer, may sue at law thereon in his own name.

Bonds, &c., may be made payable to bearer.

28. The said company shall have power and authority to become parties to promissory notes and bills of exchange, and any such promissory note or bill of exchange made or endorsed by
 20 the president or vice-president of the company, and countersigned by the secretary of the said company, and under the authority of a quorum of the directors, shall be binding on the said company; and every such promissory note or bill of exchange so made shall be presumed to have been made with
 25 proper authority until the contrary be shewn; and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange, nor shall the president, or vice-president, or the secretary, be individually responsible for the same, unless the said promissory notes or bills of
 30 exchange have been issued without the sanction and authority of the directors as herein provided and enacted: Provided however, that nothing in this section shall be construed to authorize the said company to issue any note or bill of exchange payable to bearer, or intended to be circulated as money, or as the notes
 35 or bills of a bank.

Negotiable Instruments.

29. Whenever it shall be necessary for the purpose of procuring sufficient lands for stations or gravel pits for constructing, maintaining and using the said railway, and in case by
 purchasing the whole of any lot or parcel of land over which the
 40 railway is to run, the company can obtain the same at a more reasonable price, or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use and enjoy such lands, and also the right of way thereto if the same be separated from their railway, and sell and convey the same
 45 or part thereof, from time to time, as they may deem expedient.

Powers to acquire land for gravel pits, &c.

30. The railway shall be commenced within three years, and completed to the waters of the Georgian Bay aforesaid, within five years, and finally completed within seven years after the passing of this Act.

Commencement and completion of railway.

Company may
agree with
other railways
as to leasing
lines, &c.

31. The company incorporated by this Act may enter into any arrangement with any other railway company or companies for the working of the said railway, on such terms and conditions as the directors of the several companies may agree on, or for leasing or hiring from such other company or companies any portion of their railway, or the use thereof, or for the leasing or hiring any locomotives or other moveable property, from such companies or persons, and generally to make any agreement or agreements with any other company touching the use by one or the other, or by both companies, of the railway or rolling stock, or either or both, or any part thereof, or touching any service to be rendered by the one company to the other, and the compensation therefor, and any such agreement shall be valid and binding according to the terms and tenor thereof, provided that the assent of at least two-thirds of the shareholders shall be first obtained at a general special meeting to be called for the purpose, according to the by-laws of the company, and the provisions of this Act; and the company or companies leasing or entering into agreement for using the said line may, and are hereby authorized to work the said railway in the same manner and in all respects as if incorporated with its own line.

Power to mort-
gage bonds.

32. The said company hereby incorporated may, from time to time, for advances of money to be made thereon, mortgage or pledge any bonds which they can under the powers of this Act, issue for the construction of the railway, or otherwise.

Power to
appoint agents
in certain
cities

33. The directors of the company may, subject to the rules and regulations, from time to time, of the board, appoint an agent in the City of London, England, and also an agent in the City of New York, in the State of New York, or in the City of Montreal, with power to pay dividends, to open and keep books of transfer for the shares of the company, and for the issue of scrip and stock certificates; and thereupon shares may be transferred from the Canada office to the London or New York offices, in the names of the transferees, in the same manner as shares may be transferred in the former office, and *vice versa*; and shares originally taken and subscribed for in Great Britain, and shares originally taken and subscribed for in the United States, may be respectively entered upon the books at the London, or at the New York office, and scrip certificates be issued for them, and the agent or agents, or other officer or officers, shall transmit an accurate list of all such transfers and scrip certificates so issued, to the secretary or other officer of the company in this Province, who shall thereupon make the requisite entries respecting such transfer and scrip certificates in the register kept in this Province, and thereupon the same shall be binding on the company, as to all the rights and privileges of shareholders, as though the scrip certificates had been issued by the secretary of the company in this Province.

Transfer of
shares.

34. Shares in the capital stock of the company may be transferred by any form of instrument in writing, but no transfer shall become effectual unless the stock or scrip certificates issued in respect of the shares intended to be transferred are surrendered to the company, or the surrender thereof dispensed with by the company.

Transfer of
shares in

35. Whenever any transfer shall be made in England, or the United States, of any share of stock of the company, the de-

livery of the transfer and stock or scrip certificates to the agent or agents of the company for the time being in London and New York aforesaid, shall be sufficient to constitute the transferee a shareholder or stockholder in the company in respect to the 5 share of stocks so transferred; and such agent or agents shall transmit an accurate list of all such transfers to the secretary of the company in this Province, who shall thereupon make the requisite entries in the register, and the directors may from time to time make such regulations as they shall think fit for 10 facilitating the transfer and registration of shares of stock, and the forms in respect thereof, as well in this Province as elsewhere, and as to the closing of the register of transfers for the purpose of dividends, as they may find expedient; and all such regulations not being inconsistent with the provisions of this Act 15 and of the Railway Act, as altered or modified by this Act, shall be valid and binding.

England or
United States.

36. Any shareholder in the said company, whether a British subject or alien, or a resident in Canada or elsewhere, shall have equal rights to hold stock in the said company, and to vote 20 in the same, and to be eligible for office in the said company; and directors may at any meeting of the board, vote by proxy, provided at least four directors are personally present at such meetings.

Right of
aliens.

37. Conveyances of lands to the said company for the purposes of, and powers given by this Act, made in the form set out in the schedule "B" hereunder written, or the like effect, shall be sufficient conveyance to the said company, their successors and assigns, of the estate and interest, and sufficient bar of dower respectively of all persons executing the same; and such 30 conveyances shall be registered in the same manner and upon such proof of execution as is required under the registry laws of Ontario; and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicate thereof. 35

Form of
conveyances.

38. The company shall have full power to purchase land for and erect warehouses, elevators, docks, stations, workshops and offices, and to sell and convey such land as may be found superfluous for any such purpose, and the company shall have power 40 to acquire and hold as part of the property of the said company, as many steam or other vessels as the directors of the company may deem requisite from time to time to facilitate the carriage of passengers, freight and other traffic.

Power to
acquire lands
for docks,
wharves, &c.

39. Nothing in this Act shall prevent any municipality from 45 subscribing for stock of the company, pursuant to the Railway Act or Municipal Act.

Municipalities
may be share-
holders.

40. For the purpose of constructing, working and protecting the telegraph lines constructed by the company under this Act on their line of railway, the powers conferred upon telegraph 50 companies by the Act respecting electric telegraph companies are hereby conferred upon the company, and the other provisions of the said Act, for the working, and protection of telegraph lines shall apply to any such telegraph lines constructed by the company.

Telegraph
lines.

Power to purchase Whitby Harbour, &c.

41. The said railway company shall have full power and authority to purchase the Port Whitby Harbour Company upon such terms as may be considered advantageous to the company, or may amalgamate with the said Port Whitby Harbour Company upon such terms as may be mutually agreed upon.

5

Gauge.

42. The gauge of the said railway shall be four feet eight and one half inches.

Power to acquire certain lands of Port Whitby Harbour Company

43. The said company shall have full power and authority in case no amalgamation takes place with the Port Whitby Harbour Company, to purchase from the said Port Whitby Harbour Company, any lands, or land covered by water lying within the limits of the said harbour, and may also purchase from any person, or persons any warehouses, elevators or lands that in the opinion of the said company may be desirable to own and possess for the use of the said company.

15

Power to construct docks, &c., in Whitby Harbour.

44. The said company shall have full power and authority to build and construct such docks as they may require, into the waters of the Port Whitby harbour, on the conditions set forth in the order in council by which the late Government of Canada sold the said harbour to the Port Whitby Harbour Company.

20

Power to purchase woodland.

45. The said company shall have full power and authority to purchase woodland to the extent of ten thousand acres for the use of the said company.

Fulfilment of obligations to municipalities.

46. In case the conditions upon which any municipality grants aid to the said company be not fully complied with in the time specified, the said municipality through its council, may grant such further time to the company for the fulfilment of its obligations as to the said council it may be thought advisable.

25

SCHEDULE "A."

(Section 23.)

CHIEF ENGINEER'S CERTIFICATE.

THE ONTARIO CENTRAL RAILWAY COMPANY'S OFFICE,
Engineer's Department, A.D. 187 .

No.

Certificate to be attached to cheques drawn on the Ontario Central Railway Municipal Trust account, and given under section of chapter thirty-seven Victoria.

I, , Chief Engineer of the Ontario Central Railway Company, do hereby certify that there has been expended in the construction of mile No. (the said mileage being numbered consecutively from Port Whitby) the sum of dollars to date, and the total *pro rata* amount due for the same from the said municipal trust account amounts to the sum of dollars, which sum of dollars is now due and payable as provided under said Act.

SCHEDULE "B."

(Section 37.)

Know all men by these presents, that I (or we) (*insert the name or the names of the vendors*) in consideration of dollars paid to me (or us) by the Ontario Central Railway Company, the receipt whereof is hereby acknowledged, do grant and convey, and I (or we) (*insert the names of any other party or parties*) in consideration of _____ dollars, paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (*or those certain parcels, as the case may be*) of land situate (*describe the land*), the same having been selected and laid out by the said company for the purposes of this railway, to hold with the appurtenances unto the said Ontario Central Railway Company, their successors and assigns, (*here insert any other clauses, covenants or conditions required,*) and I (or we), the wife (*or wives*) of the said _____ do hereby bar my (or our) dower in the said lands.

As witness my (or our) hand and seal (or hands and seals) this _____ day of _____ one thousand eight hundred and _____

Signed, sealed, and delivered }
in the presence of }

[L. S.]

BILL.

An Act to incorporate the Ontario Central
Railway Company.

First Reading, 18th February, 1874.

(PRIVATE BILL.)

MR. FARWELL.

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Location of
line.

3. The company hereby incorporated, and their agents or servants shall have full power and authority under this Act to lay out, construct, and finish an iron railway from some point within the limits of the Port Whitby Harbour in the Town of Whitby, through the Counties of Ontario, York and Simcoe, or some of them, to some point on Georgian Bay, in the vicinity of Collingwood, or between Collingwood and the mouth of the Nottawasaga River, or adjacent thereto on said Bay, with power to build a branch from some point on said railway to Hoggs, Sturgeon or Matchedash Bay, or any other of the small bays on The Georgian Bay, between Penetanguishene and Matchedash Bay, and with power to form a junction with the proposed North Simcoe Junction Railway, or the Lake Simcoe Junction Railway, or the Huron and Quebec, or the Canada Central or the Canada Pacific Railway, or any of them, and with power to construct the same in sections.

Capital stock.

4. The capital of the company hereby incorporated shall be three hundred thousand dollars, with power to increase the same in the manner provided by the Railway Act, to be divided into six thousand shares, of fifty dollars each; and shall be raised by the persons and corporations who may become shareholders in such company, and the money so raised shall be applied in the first place to the payment of all expenses for procuring the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized, and the remainder of such money shall be applied to the making, equipment, completion and working of the said railway, and the purposes of this Act.

Provisional
directors.

5. The Honourable John Simpson, The Honourable David Reesor, Chester Draper, T. P. White, Joseph Gould, F. W. Glen, George Neilson, J. H. Greenwood, A. E. Munson, K. F. Lockhart, William Blair, Hon. Malcolm Cameron, John Moat, John Ham Perry, John Wilmot and Henry Hopkins shall be and are hereby constituted a board of provisional directors of the said company, and shall hold office as such until other directors shall be appointed under the provisions of this Act by the shareholders.

Powers of
provisional
directors.

6. The said board of provisional directors shall have full power to open up stock books, and procure subscriptions for the undertaking, to make calls upon the subscribers, to cause surveys and plans to be executed, to enter into agreements for right of way, terminal grounds, and gravel pits, and to receive for the company any grant, loan, bonus or gift made to it or in aid of the undertaking, and to enter into any agreement respecting the conditions or disposition of any gift or bonus in aid of the railway, with all such other powers as under the Railway Act of the Consolidated Statutes of Canada are vested in ordinary directors, and to call a general meeting of the shareholders for the election of directors as hereinafter provided, and such provisional directors may appoint a committee from their number to open such stock books, giving at least three weeks notice in the *Ontario Gazette*, in one paper published in the Town of Whitby, and some one paper published in each county through which the road is proposed to pass, of the time and place of meeting to open such books, and receive such subscriptions, and the said committee or a majority of them, may in their

discretion exclude any person from subscribing, who in their judgment would hinder or delay the company in proceeding with their railway.

7. When, and so soon as shares to the amount of fifty thousand dollars in the capital stock of the company shall have been subscribed, and ten per centum shall have been paid into a chartered bank having an office in the Province of Ontario, or when, and so soon as such subscriptions, together with sums granted by municipalities, either by way of bonus, or in the subscription to the capital stock, shall amount to such sum of fifty thousand dollars, and the debentures granted in payment of such bonus, or subscription, shall have been deposited in one of the chartered banks of the Province, the provisional directors or a majority of them present at a meeting duly called for the purpose, shall call a meeting of the subscribers for the purpose of electing directors, giving at least three weeks notice in a paper published in the Town of Whitby, and in each of the counties affected, and in the *Ontario Gazette* of the time, place and object of such meeting, and at such general meeting, the shareholders present either in person or by proxy, and who shall at the opening of such meeting have paid ten per centum on the stock subscribed by them, shall elect nine persons to be directors of the said company in manner and qualified as hereinafter directed, which said directors together with ex-officio directors under the Railway Act, or this Act, shall constitute a board of directors and shall hold office until the first Monday of May, in the year following their election.

Meeting for election of directors.

8. The sums so paid shall not be withdrawn from the bank except for the purposes of this Act, nor shall the debentures so deposited, be otherwise applied than to the purposes of the railway as defined in the by-law or agreement between the municipality or municipalities granting the same, and the railway company in relation thereto.

Application of money paid on stock.

9. The directors for the time being may from time to time make calls as they shall think fit, provided that no calls shall be made at any one time of more than ten per centum of the amount subscribed by each shareholder, and thirty days notice shall be given of each call as provided in section seven.

Calls.

10. Thereafter the general annual meeting of the shareholders of the said company shall be held in such place in the Town of Whitby, and on such days, and on such hours as may be directed by the by-laws of the said company, and public notice thereof shall be given at least four weeks previously in the *Ontario Gazette*, and once a week in a newspaper published in the Town of Whitby, and in some one newspaper in each of the counties which have granted bonuses, or subscribed for stock.

Annual meetings.

11. Special general meetings of the shareholders of the said company may be held at such places in the Town of Whitby, and at such times, and in such manner and for such purposes as may be provided by the by-laws of the said company, upon such notice as is provided in the last preceding section.

Special meetings.

**Qualification
of directors.**

12. In the election of directors under this Act, no person shall be elected unless he shall be the holder and owner of at least twenty shares of the stock of the said company, upon which all calls have been paid up.

Aliens.

13. Aliens, as well as British subjects, and whether resident in this Province or elsewhere, may be shareholders in the said company, and all such shareholders shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to office as directors in the said company.

Quorum.

14. At all meetings of the board of directors, whether of provisional directors or of those elected by the shareholders, five directors shall form a quorum for the transaction of business; and the said board of directors may employ one of their number as paid director.

**Aid to company from
Government
&c.**

15. The said company may receive from any Government, or from any persons or bodies corporate, municipal or politic, who may have power to make or grant the same, aid towards the construction, equipment, or maintenance of the said railway, by way of bonus, gift, or loan in money, or debentures, or other securities for money, or by way of guarantee, upon such terms and conditions as may be agreed upon.

Aid from municipalities.

16. Any municipal corporation, or any portion of a municipality, which may be interested in securing the construction of the said railway, or through any part of which, or near which, the railway or works of the said company shall pass or be situated, may aid the said company by giving money or debentures, by way of bonus, gift, or loan, or by the guarantee of the municipal corporation, under and subject to the provisions hereinafter contained, which are to be taken as applicable thereto instead of sections four hundred and seventy-two, four hundred and seventy-three, and four hundred and seventy-four of the Municipal Institutions Act: Provided always, that no such aid shall be given, except after the passing of a by-law for the purpose, and the adoption of such by-law by the qualified ratepayers of the municipality or portion of municipality, (as the case may be,) as provided in the Municipal Act for the creation of debts.

Manner of submitting by-laws to ratepayers.

17. Such by-law shall be submitted by the municipal council to the vote of the ratepayers in manner following, namely:

1. The proper petition shall first be presented to the council, expressing the desire to aid the railway, and stating in what way and for what amount; and the council shall within six weeks after the receipt of such petition by the clerk of the municipality introduce a by-law to the effect petitioned for, and submit the same for the approval of the qualified voters;

2. In the case of a county municipality the petition shall be that of a majority of the reeves and deputy-reeves, or of twenty resident freeholders in each of the minor municipalities of the county, who are qualified voters under the Municipal Act;

3. In the case of other municipalities, the petition shall be that of a majority of the council thereof, or of twenty resident freeholders, being duly qualified voters as aforesaid;

4. In the case of two or more minor municipalities, or sections of two or more such municipalities, or of two or more such mu-

municipalities with a section or sections of one or more minor municipalities forming part of a county municipality, the petition is to be presented to the county council, describing the portions to be grouped, and defining any section by metes and bounds, and shall be that of a majority of each of the councils of such minor municipalities respectively, or of twenty resident freeholders in each of the said minor municipalities, or sections proposed to be grouped, being duly qualified voters as aforesaid.

- 10 **18.** Where a portion of the county municipality petitions to aid the railway, it shall be such portion only as shall consist of two or more minor municipalities or sections thereof, through which the line of railway is to be constructed, or which will be benefited thereby, and such minor municipalities and sections thereof shall lie contiguous; but no minor municipality or section thereof which is subject to a county or other by-law in aid of the same railway, shall be thus grouped without the consent of the majority of the duly qualified voters therein expressed to that end, when voting upon the proposed by-law.

Aid from portions of county municipalities.

Grouping of minor municipalities.

19. In case of aid from a county municipality, or from a grouped portion thereof, twenty resident freeholders of the county or portion comprised in the proposed by-law (as the case may be) may petition the county council against submitting the said by-law, upon the ground that certain minor municipalities or portions thereof comprised in the said by-law would be injuriously affected thereby, or upon any other ground ought not to be included therein; and upon deposit by the petitioners with the treasurer of the county of a sum sufficient to defray the expense of such reference, the said council shall forthwith refer the said petition to three arbitrators, one being the judge of the county court, one being the registrar of the county, or of the riding in which the county town is situate, and one being an engineer appointed by the Commissioner of the Department of Public Works for Ontario, who shall have power to confirm or amend the said by-law by excluding any minor municipality or any section thereof therefrom; and the decision of any two of them shall be final, and the by-law so confirmed or amended, shall thereupon, at the option of the railway company, be submitted by the council to the duly qualified voters; and in case the by-law is confirmed by the arbitrators, the expense of the reference shall be borne by the petitioners against the same, but if amended, then by the railway company or the county, as the arbitrators may order.

Proceedings in opposing submission of by-laws.

Arbitration.

20. In the case of a portion of the county municipality being formed into a group, the by-law to be submitted shall be that of the county, but the rate to be levied for payment of the debentures issued thereunder, and the interest thereon, shall be assessed and levied upon such portions only of the county municipality, and the voting thereon shall be limited to the duly qualified voters in such portion only.

Rate to be levied only on the part of municipality granting bonus.

21. Before any such by-law is submitted, the railway company shall deposit with the treasurer of the municipality a sum sufficient to pay the expenses to be incurred in submitting said by-law.

Company shall make deposit for expenses.

Interpretation
words "minor
municipality."

22. The term "minor municipality" shall be construed to mean any town not separated from the municipal county, township, or incorporated village situate in the county municipality.

By-laws to be
valid, though
the annual rate
exceed two
cents in the
dollar.

23. No by-law shall be valid, or shall be submitted to such vote for granting aid to the railway which shall require the levying of a greater aggregate annual rate for all purposes, exclusive of school rates, than three cents in the dollar upon the value of the ratable property in each of the minor municipalities or section affected thereby, but for the purpose of such aid, the amount of the aggregate annual rate to be levied in any such municipality or section, may exceed the two cents in the dollar limited by the Municipal Act. 10

Provisions of
by-laws.

24. Such by-law shall in each instance provide. (1.) For raising the amount petitioned for in the municipality or portions of the county municipality, (as the case may be,) mentioned in the petition by the issue of debentures of the county or minor municipality, respectively, and shall also provide for the delivery of the said debentures, or the application of the amount to be raised thereby, as may be expressed in the said by-law; 15 20

2. For assessing and levying upon all ratable property lying within the municipality or portions of the county municipality defined in said by-law (as the case may be) an annual special rate sufficient to include a sinking fund for the repayment of the said debentures within twenty years, with interest thereon, payable yearly or half-yearly, or by equal annual instalments of principal and interest, which debentures the respective municipal councils, warden, reeves, and other officers thereof are hereby authorized to execute and issue in such cases respectively: Provided that in case the sum raised under the authority of such by-law is invested in the capital stock or bonds of the railway company or loaned thereon, the council of the municipality holding such stock or bonds may sell and dispose of the same or any part thereof, and shall in such case apply the moneys received therefor in payment of the said debentures and interest. 25 30 35

If by-law defeated similar one not to be submitted until after six months.

25. In case the by-law submitted is not approved of, no other by-law which is in substance the same shall be submitted to the voters of the same municipality or portions of the county municipality, until after the expiration of six months from such rejection. 40

If by-law carried, council to pass the same.

26. In case the by-law submitted be approved of or carried by a majority of the votes given thereon, then within four weeks after the date of such voting, the municipal council which submitted the same shall read the said by-law a third time, and pass the same. 45

and issue the debentures.

27. And within one month after the passing of such by-law, the said council, and the warden, reeve or other officers thereof, shall issue or dispose of the debentures necessary to raise the sum mentioned in such by-law, and otherwise act according to the terms thereof. 50

Corporation may exchange their debentures.

28. The corporation of any county municipality shall be at liberty to take the debentures issued by any township in aid

of the railway company, and give in exchange therefor to the said township a like amount of the debentures of the said county, on a resolution to that effect being passed by the county council, but the township municipality shall in such case keep the county municipality fully indemnified against any rate or liability in respect of said debentures.

tures for those of townships.

29. Whenever any municipality or portion of a county municipality shall grant aid by way of bonus or gift to the railway company, the debentures therefor shall within six months after passing of the by-law authorizing the same, be delivered to three trustees to be named, one by the Lieutenant-Governor in Council, one by the said company, and one by the majority of the heads of the municipalities which have granted bonuses, all of the trustees to be residents of the Province of Ontario :
15 Provided, that if the said Council shall refuse or neglect to name such trustee, or if the Lieutenant Governor in Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustees, the company shall be at liberty to name such other trustee or other trustees; any of the said trustees may be removed and a new trustee appointed in his place at any time by the Lieutenant-Governor in Council, with the consent of the said company, and in case any trustee die, or resign his trust, or go to live out of Ontario, or otherwise become incapable to act, his trusteeship shall become vacant, and a new trustee may be appointed by the Lieutenant-Governor in Council, with the consent of said company.

Trustees for municipal debentures.

30. The said trustees shall receive the said debentures or bonds in trust : firstly, under the direction of the company, to convert the same into money ; secondly, to deposit the amount realized from the sale in some of the chartered banks, having an office in this Province, in the name of " The Ontario Central Railway Municipal Trust Account," and to pay the same out to the said company from time to time, on the certificate of the chief engineer of the said railway, in the form set out in schedule A hereto, or to the like effect, setting out the portion of the railway to which the money to be paid out is to be applied, and that the sum so certified for is in pursuance of the terms and conditions of the by-law ; and such certificate is to be attached to the cheques to be drawn by the said trustees ; and such engineer shall not wrongfully grant any such certificate under penalty of one hundred dollars, recoverable in any county court by any person who may sue therefor.

Trusts on which debentures are to be held.

31. The trustees shall be entitled to their reasonable fees and charges from said trust fund ; and the act of any two of such trustees to be as valid and binding as if the three had agreed.

Fees to trustees, not of two to govern.

32. Any municipality which shall grant a bonus of not less than fifty thousand dollars in aid of the said company may stipulate that it shall be entitled to name a director in the said company as the representative of such municipality ; and such director shall be in addition to the directors elected by the shareholders, and shall not be required to be a shareholder in the company, and shall continue in office as a director in the said company until his successor shall be appointed by the municipality which he represents.

Municipal Directors.

Company may
receive gifts of
lands.

33. Any municipality through which the said railway may pass is empowered to grant by way of gift to the said company any lands belonging to such municipality which may be required for right of way, station grounds or other purposes connected with the running or traffic of the said railway; and the said railway company shall have power to accept gifts of land from any Government or any person or body politic or corporate, and shall have power to sell or otherwise dispose of the same for the benefit of the said company. 5

Municipalities
may exempt
company from
taxation.

34. It shall further be lawful for the council of any municipality in which any part of the railway of the company is situate, by by-law specially passed for that purpose, to exempt the said company and its property, within such municipality, either in whole or in part, from municipal assessment or taxation, or to agree to a certain sum per annum or otherwise, in gross or by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years, and any such by-law shall not be repealed, unless in conformity with a condition contained therein. 10 15 20

Council may
extend time.

35. It shall and may be lawful for the council of any municipality that may grant a bonus to the company, and they shall have full power to extend the time for completion of the works on the completion of which the said company would be entitled to such bonuses. 25

Councils may
contribute
towards preliminary
expenses.

36. It shall be lawful for the council of any township or county municipality interested in the said extension branches, or any of them, and without complying with the requirements of any Act providing for the creation of debts by municipal corporations on behalf of such township or county municipalities, to bear all, or part of the costs, charges and expenses of, and incidental to, the submission of any by-law to the said qualified voters for granting a bonus to the said company, or may give the said company a bonus on account of such costs, charges and expenses: Provided always that no one such bonus shall exceed five thousand dollars. 30 35 40

Municipalities
may agree as
to application
of bonus.

37. Whenever any municipality or portion of a municipality shall aid, loan, guarantee or give money or bonds by way of bonus to aid the making, equipment and completion of said extension and branches, or any part or parts thereof, it shall be lawful for the said company to enter into a valid agreement with any such municipality binding the said company to expend the whole of such aid so given upon works of construction, within the limits of the municipality granting the same. 45

Issue of bonds.

38. The directors of the said company, after the sanction of the shareholders shall have been first obtained at any special general meeting to be called from time to time for such purpose, shall have power to issue bonds made and signed by the president and vice-president of the said company, and countersigned by the secretary, and under the seal of the said company, for the purposes of raising money for prosecuting the said undertaking; and such bonds shall, without registration or formal conveyance, be taken and considered to be the first and prefer- 50

ential claims and charges upon the undertaking and the property of the company real and personal, then existing, and at any time thereafter acquired; and each holder of the said bonds shall be deemed to be a mortgagee and incumbrancer *pro rata* with all the other holders thereof upon the undertaking and the property of the company as aforesaid: Provided, however, that the whole amount of such issue of bonds shall not exceed in all the sum of twenty thousand dollars per mile; And provided also further, that in the event at any time of the interest upon the said bonds remaining unpaid and owing, then at the next ensuing general annual meeting of the said company, all holders of bonds shall have and possess the same rights and privileges and qualifications for directors and for voting as are attached to shareholders; provided that the bonds and any transfers thereof shall have been first registered in the same manner as is provided for the registration of shares; and it shall be the duty of the secretary of the company to register the same on being required to do so by any holder thereof.

39. The said company shall have power and authority to become parties to promissory notes and bills of exchange, and any such promissory note or bill of exchange made or endorsed by the president or vice-president of the company, and countersigned by the secretary of the said company, and under the authority of a quorum of the directors, shall be binding on the said company; and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shewn; and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange, nor shall the president, or vice-president, or the secretary, be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted: Provided however, that nothing in this section shall be construed to authorize the said company to issue any note or bill of exchange payable to bearer, or intended to be circulated as money, or as the notes or bills of a bank.

40. Whenever it shall be necessary for the purpose of procuring sufficient lands for stations or gravel pits for constructing, maintaining and using the said railway, and in case by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price, or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use and enjoy such lands, and also the right of way thereto if the same be separated from their railway, and sell and convey the same or part thereof, from time to time, as they may deem expedient.

41. Where stone, gravel, or any other material is or are required for the construction or maintenance of said railway or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same are situate for the purchase thereof, cause a provincial surveyor to make a map and description of the property so required, and they shall serve a copy thereof with their notice of arbitration, as in case of acquiring the roadway, and the notice of arbitrators, the award, and the tender of compensation shall have the same

effect as in the case of arbitration for the roadway, and all the provisions of the Railway Act as varied and modified by the special Acts relating to the said company as to the service of the said notice, arbitration, compensation deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom lands may be taken or who may sell, shall apply to the subject matter of this section, and to the obtaining material as aforesaid; and such proceedings may be had by the said company either for the right to the fee simple in the land from which said material shall be taken, or for the right to take material for any time they shall think necessary: the notice of arbitration, in case arbitration is resorted to, to state the interest required.

Power to lay
sidings and
tracks to
gravel pits.

42. When said gravel, stone, or other materials shall be taken under the preceding section of this Act at a distance from the line of the railway, the company may lay down the necessary sidings and tracks over any lands which may intervene between the railway and the lands on which said material shall be found, whatever the distance may be; and all the provisions of the Railway Act and of the Special Acts relating to the said Company's Act, except such as relate to filing plans and publication of notice, shall apply, and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated; and such right may be so acquired for for a term of years or permanently, as the company may think proper; and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed for the purposes of repairing or maintaining the said railway.

Commence-
ment and
completion of
railway.

43. The railway shall be commenced within three years, and completed to the waters of the Georgian Bay aforesaid, within five years, and finally completed within seven years after the passing of this Act.

Company may
agree with
other railways
as to leasing
lines, &c.

44. The company incorporated by this Act may enter into any arrangement with any other railway company or companies for the working of the said railway, on such terms and conditions as the directors of the several companies may agree on, or for leasing or hiring from such other company or companies any portion of their railway, or the use thereof, or for the leasing or hiring any locomotives or other moveable property, from such companies or persons, and generally to make any agreement or agreements with any other company touching the use by one or the other, or by both companies, of the railway or rolling stock, or either or both, or any part thereof, or touching any service to be rendered by the one company to the other, and the compensation therefor, and any such agreement shall be valid and binding according to the terms and tenor thereof, provided that the assent of at least two-thirds of the shareholders shall be first obtained at a general special meeting to be called for the purpose, according to the by-laws of the company, and the provisions of this Act; and the company or companies leasing or entering into agreement for using the said line may, and are hereby authorized to work the said railway in the same manner and in all respects as if incorporated with its own line.

45. The said company hereby incorporated may, from time to time, for advances of money to be made thereon, mortgage or pledge any bonds which they can under the powers of this Act, issue for the construction of the railway, or otherwise. Power to mortgage bonds.

46. The directors of the company may, subject to the rules and regulations, from time to time, of the board, appoint an agent in the City of London, England, and also an agent in the City of New York, in the State of New York, with power to pay dividends, to open and keep books of transfer for the shares of the company, and for the issue of scrip and stock certificates; and thereupon shares may be transferred from the Canada office to the London or New York offices, in the names of the transferees, in the same manner as shares may be transferred in the former office, and *vice versa*; and shares originally taken and subscribed for in Great Britain, and shares originally taken and subscribed for in the United States, may be respectively entered upon the books at the London, or at the New York office, and scrip certificates be issued for them, and the agent or agents, or other officer or officers, shall transmit an accurate list of all such transfers and scrip certificates so issued, to the secretary or other officer of the company in this Province, who shall thereupon make the requisite entries respecting such transfer and scrip certificates in the register kept in this Province, and thereupon the same shall be binding on the company, as to all the rights and privileges of shareholders, as though the scrip certificates had been issued by the secretary of the company in this Province. Power to appoint agents in certain cities.

47. Shares in the capital stock of the company may be transferred by any form of instrument in writing, but no transfer shall become effectual unless the stock or scrip certificates issued in respect of the shares intended to be transferred are surrendered to the company, or the surrender thereof dispensed with by the company. Transfer of shares.

48. Whenever any transfer shall be made in England, or the United States, of any share of stock of the company, the delivery of the transfer and stock or scrip certificates to the agent or agents of the company for the time being in London and New York aforesaid, shall be sufficient to constitute the transferee a shareholder or stockholder in the company in respect to the share of stocks so transferred; and such agent or agents shall transmit an accurate list of all such transfers to the secretary of the company in this Province, who shall thereupon make the requisite entries in the register, and the directors may from time to time make such regulations as they shall think fit for facilitating the transfer and registration of shares of stock, and the forms in respect thereof, as well in this Province as elsewhere, and as to the closing of the register of transfers for the purpose of dividends, as they may find expedient; and all such regulations not being inconsistent with the provisions of this Act and of the Railway Act, as altered or modified by this Act, shall be valid and binding. Transfer of shares in England or United States.

49. Any shareholder in the said company, whether a British subject or alien, or a resident in Canada or elsewhere, shall have equal rights to hold stock in the said company, and to vote in the same, and to be eligible for office in the said company; Right of aliens.

and directors may at any meeting of the board, vote by proxy, provided at least four directors are personally present at such meetings.

Form of conveyances.

50. Conveyances of lands to the said company for the purposes of, and powers given by this Act, made in the form set out in the schedule B hereunder written, or the like effect, shall be sufficient conveyance to the said company, their successors and assigns, of the estate and interest, and sufficient bar of dower respectively of all persons executing the same; and such conveyances shall be registered in the same manner and upon such proof of execution as is required under the registry laws of Ontario; and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicate thereof.

Power to acquire lands for docks, wharves, &c.

51. The company shall have full power to purchase land for and erect warehouses, elevators, docks, stations, workshops and offices, and to sell and convey such land as may be found superfluous for any such purpose, and the company shall have power to acquire and hold as part of the property of the said company, as many steam or other vessels as the directors of the company may deem requisite from time to time to facilitate the carriage of passengers, freight and other traffic.

Municipalities may be shareholders.

52. Nothing in this Act shall prevent any municipality from subscribing for stock of the company, pursuant to the Railway Act or Municipal Act.

Telegraph lines.

53. For the purpose of constructing, working and protecting the telegraph lines constructed by the company under this Act on their line of railway, the powers conferred upon telegraph companies by the Act respecting electric telegraph companies are hereby conferred upon the company, and the other provisions of the said Act, for the working, and protection of telegraph lines shall apply to any such telegraph lines constructed by the company.

Gauge.

54. The gauge of the said railway shall be four feet eight and one half inches.

Power to construct docks, &c., in Whitby Harbour.

55. The said company shall have full power and authority to expend money in the construction of such docks as they may require, into the waters of the Port Whitby harbour, on the conditions set forth in the order in council by which the late Government of Canada sold the said harbour to the Port Whitby Harbour Company.

Fulfilment of obligations to municipalities.

56. In case the conditions upon which any municipality grants aid to the said company be not fully complied with in the time specified, the said municipality through its council, may grant such further time to the company for the fulfilment of its obligations as to the said council may be thought advisable.

Telegraph lines.

57. For the purpose of constructing, working and protecting the telegraph lines constructed by the company under this Act on their line of railway, the powers conferred on telegraph companies by the Act respecting Electric Telegraph Companies are

hereby conferred upon the company, and the other provisions of the said Act for the working and protection of telegraph lines shall apply to any such telegraph lines constructed by the company.

SCHEDULE A.

(See Section 30.)

CHIEF ENGINEER'S CERTIFICATE.

ONTARIO CENTRAL RAILWAY COMPANY'S OFFICE,
ENGINEER'S DEPARTMENT, A.D. 18

No.

Certificate to be attached to cheques drawn on the Ontario Central Railway Municipal Trust Account.

I, _____, Chief Engineer of the Ontario Central Railway Company, do hereby certify that the sum of \$ _____ is required to be expended in the construction of the portion of the line extending from mile No. _____ to mile No. _____, and that payment should be made to the company of such amount from the Municipal Trust Account, the same being in pursuance of the terms and conditions of the By-law of the Municipality of the _____ of _____

SCHEDULE B.

(Section 50.)

Know all men by these presents, that I (or we) (*insert the name or the names of the vendors*) in consideration of dollars paid to me (or us) by the Ontario Central Railway Company, the receipt whereof is hereby acknowledged, do grant and convey, and I (or we) (*insert the names of any other party or parties*) in consideration of _____ dollars, paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (*or those certain parcels, as the case may be*) of land situate (*describe the land*), the same having been selected and laid out by the said company for the purposes of this railway, to hold with the appurtenances unto the said Ontario Central Railway Company, their successors and assigns, (*here insert any other clauses, covenants or conditions required*), and I (or we), the wife (or wives) of the said _____ do hereby bar my (or our) dower in the said lands.

As witness my (or our) hand and seal (or hands and seals) this _____ day of _____ one thousand eight hundred and _____

Signed, sealed, and delivered }
in the presence of }

L. S.]

BILL.

An Act to incorporate the Ontario Central
Railway Company.

(Reprinted as amended.)

First Reading, 13th February, 1874.

Second Reading, 12th March, 1874.

(PRIVATE BILL.)

MR. FARWELL.

TORONTO :

PRINTED BY HUNTER, ROSE, & CO.

An Act to make valid a certain By-law of Perth, granting aid to the Port Dover and Lake Huron Railway Company, and to the Stratford and Huron Railway Company.

WHEREAS, the Municipal Council of the County of Perth Preamble.
has petitioned for an Act to confirm a certain by-law of the said county, numbered one hundred and ninety-one, granting aid to certain railways, and it is expedient to grant
5 the prayer of the said petition :

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. By-law number one hundred and ninety-one of the County
10 of Perth, passed on the twelfth day of December, one thousand eight hundred and seventy-three, intituled “ A By-law to aid
“ and assist the Port Dover and Lake Huron Railway Company
“ by granting thereto the sum of forty thousand dollars, by way
“ of bonus ; and, also to aid and assist the Stratford and Huron
15 “ Railway Company by granting thereto the sum of eighty
“ thousand dollars, by way of bonus, and to issue debentures
“ for the said sums, and to authorize the levying of a special rate
“ for the payment of such debentures and the interest thereon,”
and all debentures issued or to be issued under such by-law,
20 shall be and are hereby declared to be good, valid, legal, binding and effectual, and the said by-law shall be held to have been, good, valid, legal, binding and effectual from the time of the passing thereof, any law, usage or custom to the contrary notwithstanding.
- By-law No.
191 of County
of Perth, legalized.

No. 66.

3rd Session, 2nd Parliament, 37 Vict., 1874.

BILL.

An Act to make valid a certain By-law of the County of Perth, granting aid to the Port Dover and Lake Huron Railway Company, and to the Stratford and Huron Railway Company.

First Reading, 13th February, 1874.

(*PRIVATE BILL.*)

Mr. CLARKE (Norfolk).

TORONTO:

Printed by Huron, Ross & Co.

An Act to incorporate the Huron and Ottawa Railway Company.

WHEREAS J. C. Miller, W. Cook, C. S. Watson and Preamble.
 others have, by their petition, represented that the
 construction of a line of railway, from the Village of Parry
 Sound, in the District of Muskoka, to the Village of Carleton
 5 Place, in the County of Lanark, or to some point in that vicinity,
 so as to connect with existing railways would develop the
 resources of a large tract of country, and open the same for
 settlement, and have prayed for the passage of an Act incorporating
 a company to construct such line of railway; And
 10 whereas it is expedient to grant the prayer of such petition;
 Therefore Her Majesty, by and with the advice and consent
 of the Legislative Assembly of the Province of Ontario, enacts
 as follows:—

1. J. C. Miller, W. Cook, C. S. Watson, H. H. Cook, M.P., Incorporation.
 15 David Robertson, A. P. Cockburn M.P., P. McCurry, C. J.
 Blomfield, together with such other persons and corporations as
 shall, in pursuance of this Act, become shareholders of the said
 company hereby incorporated, are hereby constituted and declared
 to be a body corporate and politic, by the name of the
 20 Huron and Ottawa Railway Company.

2. The several clauses of the Railway Act of the Consolidated
 Statutes of Canada, with respect to the first, second, third,
 fourth, fifth and sixth clauses thereof, and also the several
 clauses thereof, with respect to "interpretation," "incorporation,"
 25 "powers," "plans and surveys," "lands and their valuation,"
 "highway and bridges," "fences," "tolls," "general meetings,"
 "president and directors, their election and duties," "calls,"
 "shares and their transfer," "municipalities," "shareholders,"
 "actions for indemnity and fines and penalties and their prosecution,"
 30 "by-laws," "notices, &c," "working of the railway" and "general provisions,"
 and the Acts amending the said Act shall be incorporated with and
 be deemed to be a part of this Act, and shall apply to the said
 company, and to the railway to be constructed by them, except
 35 only so far as the same may be inconsistent with the express
 enactments hereof, and the expression "this Act," when used
 herein, shall be understood to include the clauses of the said
 Railway Act, and amendments thereto so incorporated with this
 Act. Certain clauses of the Railway Act to apply.

3. The said company shall have full powers, under this Act, Location of line.
 to construct a railway from some point in or near the Village of
 Parry Sound, in the District of Muskoka, to the Village of

Carleton Place, in the County of Lanark, or to some point adjacent thereto, with full powers to pass over any portion of the country between the points aforesaid, and to carry the said railway through the Crown lands lying between the points aforesaid.

Gauge. 4. The said railway shall be of such gauge as the directors may determine. 5

Form of conveyance to the company. 5. Conveyances of lands to the said company for the purposes of and powers given by this Act, made in the form set out in the Schedule "A" hereunder written, or the like effect, shall be sufficient conveyance to the said company, their successors and assigns, of the estate or interest and sufficient bar of dower respectively of all persons executing the same, and such conveyances shall be registered in such manner and upon such proof of execution as is required under the registry laws of Ontario; and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicate thereof. 10 15

Provisional Directors. 6. From and after the passing of this Act, J. C. Miller, W. Cook, Charles S. Watson, David Robertson, H. H. Cook, A. P. Cockburn, P. McCurry 20

and C. J. Blomfield shall be the provisional directors of this company of whom a majority shall be a 25 quorum.

Powers of Provisional Directors. 7. The said named provisional directors of the said company, and shall have power to fill vacancies occurring, and to add not more than three to their number, and shall hold office as such until the first election of directors under this Act, and shall have power forthwith to open stock-books, and procure subscriptions of stock for the undertaking, and to receive payment for stock subscribed, and make calls upon subscribers in respect of their stock, and to sue for and recover the same; and to cause plans and surveys to be made; and to deposit in any chartered bank of Canada all monies received by them on account of stock subscribed, and to withdraw the same for the purposes of the undertaking; and to receive for the company any grant, loan, bonus, or gift made to it or in aid of the undertaking, and to enter into any agreement respecting the conditions or disposition of any gift or bonus in aid of the railway, and shall have all such other powers as under the Railway Act of the Consolidated Statutes of Canada are vested in ordinary directors: the said directors are hereby empowered to take all necessary steps for opening the stock books for the subscription of parties desirous of becoming shareholders in the said company; and all parties subscribing to the capital stock of the said company shall be considered proprietors and partners in the same: the said directors or a majority of them, or the board of directors to be elected as hereinafter mentioned, may in their discretion exclude any person from so subscribing who, in their judgment, would hinder, delay or prevent the company from proceeding with and completing their undertaking under the provisions of this Act; and if at any time, a portion or more than the whole stock shall have been subscribed, the said provisional directors, or 30 35 40 45 50 55

Directors may exclude certain persons from subscribing for stock.

board of directors, shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking; and in such allocation the said directors may in their discretion exclude any one or more of the said subscribers if, in their judgment, such will best secure the building of the said railway, and all meetings of the provisional board of directors shall be held at the City of Ottawa, unless otherwise provided by the by-laws of said Company.

8. The capital of the company hereby incorporated shall be Capital stock.
 10 two million dollars, with power to increase the same in the manner provided by the Railway Act, to be divided into shares of one hundred dollars each, and shall be raised by the persons and corporations who may become shareholders in such company; and the money so raised shall be applied in the first place
 15 to the payment and discharge of all fees, expenses and disbursements for procuring the passage of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized; and all the remainder of such money shall be applied to the making, equipment and completion of the said rail-
 20 way and the other purposes of this Act; and until such preliminary expenses shall be paid out of the said capital stock, the municipality of any county, town, township or village on the line of such works, may pay out of the general funds of such municipality its fair proportion of such preliminary expenses which shall here-
 25 after, if such municipality shall so require, be refunded to such municipality from the capital stock of the company, or be allowed to it in payment of stock.

9. On the subscription for shares of the said capital stock, Ten per cent. to be paid on stock.
 each subscriber shall pay forthwith to the directors for the purposes set out in this Act ten per centum of the amount subscribed
 30 by him, and the said directors shall deposit the same in some chartered bank to the credit of the said company.

10. Thereafter calls may be made by the directors for the Call.
 time being, as they shall see fit: Provided that no calls shall be
 35 made at any one time of more than ten per centum of the amount subscribed by each subscriber.

11. As soon as shares to the amount of two hundred thousand General meeting for election of directors.
 dollars of the capital stock of the said company other than by municipalities shall have been subscribed, and ten per centum
 40 thereof paid into some chartered bank of the Province (which shall on no account be withdrawn therefrom unless for the service of the company) the directors shall call a general meeting of the subscribers to the said capital stock who shall have so paid up ten per centum thereof, for the purpose of electing directors
 45 of the said company.

12. In case the provisional directors neglect to call such meeting for the space of three months after such amount of the capital stock shall have been subscribed, and ten per centum thereof so paid up, the same may be called by any five of the subscribers
 50 ers who shall have so paid up ten per centum, and who are each subscribers for not less than five hundred dollars of the said capital stock, and who have paid up all calls thereon. How meeting to be called in case provisional directors neglect to call same.

13. In either case, notice of the time and place of holding such general meeting shall be given by publication in the Notice of general meeting.

Election of
directors.

Ontario Gazette, and in one weekly newspaper in the County of Lanark, once in each week, for the space of at least two weeks, and such meeting shall be held at Toronto, on such day as may be named by such notice: At such general meeting the subscribers for the capital stock assembled, who shall have so paid up ten per centum thereof, with such proxies as may be present, shall choose nine persons to be directors of the said company, and may also make or pass such rules and regulations and by-laws as may be deemed expedient, provided they be not inconsistent with this Act.

Annual meet-
ings.

14. Thereafter, the general annual meeting of the shareholders of the said company shall be held at such place, and on such days, and at such hours, as may be directed by the by-laws of the said company: And public notice thereof shall be given at least two weeks previously, in the *Ontario Gazette*.

Special gene-
ral meetings.

15. Special general meetings of the shareholders of the said company may be held at such places, and at such times, and in such manner, as may be provided by the by-laws of the said company.

Scale of votes.

16. Every shareholder of one or more shares of the said capital stock shall, at any general meeting of the shareholders, be entitled to one vote for every share held by him; and no shareholder shall be entitled to vote on any matter whatever unless all calls due on the stock upon which such shareholder seeks to vote shall have been paid up, at least one week before the day appointed for such meeting.

Qualification
of directors.

17. No person shall be qualified to be elected as such director, by the shareholders, unless he be a shareholder holding at least ten shares of stock in the company, and unless he has paid up all calls thereon.

Quorum of di-
rectors.

18. Any meeting of the directors of the said company, regularly summoned, at which not less than four directors shall be present, shall be competent to exercise and use all and every of the powers vested in the said directors: And directors may, at any meeting of the board, vote by proxy, provided at least four directors are personally present at such meeting.

Aid to com-
pany from
municipalities.

19. The said company may receive from any Government, or from any persons or bodies corporate, municipal or politic, who may have power to make or grant the same, in aid of the construction, equipment and maintenance of the said railway, bonuses loan, gifts of, or securities for, money: And it shall further be lawful for any municipality or municipalities, or any county municipality, or any portion of any such municipality or municipalities, or county municipality, which may be interested in securing the construction of the said railway, or through any part of which or near which the railway or works of the said company shall pass or be situated, to aid and assist the said company by loaning or guaranteeing, or giving money by way of bonus or other means, to the company, or issuing municipal bonds to or in aid of the company, and otherwise, in such manner and to such extent as such municipalities, or any of them, shall think expedient: Provided always that no such aid, loan, bonus, or guarantee shall be given, except after the pass-

ing of by-laws for the purpose, and the adoption of such by-laws, by the ratepayers, as provided in the Municipal Act for the creation of debts.

20. Such by-laws shall be submitted and passed in manner Manner of submitting and passing by laws.
5 following, namely :—

1. In the case of a county municipality, by the county council, on a petition of a majority of the reeves and deputy-reeves, or of one hundred resident freeholders, who may be duly qualified voters under the Municipal Act ;
- 10 2. In the case of other municipalities, and of sections of such municipalities, by the councils of such municipalities, on the petition of the majority, or of twenty resident freeholders, duly qualified voters, as aforesaid ;
- 15 3. And in the case of municipalities, or portions of municipalities, which form part of a county municipality, by the council of such county municipality, on the petition of twenty resident freeholders, who are duly qualified voters, as aforesaid

21. Such by-laws shall be submitted :—

The same.

1. For raising the amount so petitioned for by the issue of
20 debentures, payable in twenty years, by equal annual instalments of principal with interest, and for delivery to the trustees of the debentures for the amount of such aid or bonus, at the times and on the terms specified in the petition ;
2. For assessing and levying upon all the ratable property
25 lying within the section or sections defined by the petition, an equal annual special rate, sufficient to include a sinking fund for the repayment of the debentures, with interest thereon ; said interest to be paid yearly or half-yearly ; which debentures the municipal councils, and the wardens, reeves, and other
30 officers thereof, are hereby authorized to execute and issue in such case respectively ;

And in case such by-laws be approved or carried by the majority of the votes given thereon, the proper council shall, within one month after such voting has taken place, read the
35 said by-laws a third time, and pass the same.

22. And within one month after the passing of such by-law, the said council, and the warden, mayor, reeve, or other head thereof, and the other officers thereof, shall issue the debentures for the bonus thereby granted, and deliver the same to the
40 trustees appointed or to be appointed under this Act. Debentures to be issued within one month after the passing of the by-law.

23. In case any bonus be so granted by a portion of a municipality, or county municipality, the rate to be levied for payment of the debentures issued therefor, and the interest thereon, shall be assessed and levied upon such portion only of the
45 municipality or county municipality. Assessment when bonus granted by a municipality.

24. The provisions of the Municipal Acts so far as the same are not inconsistent with this Act shall apply to any by-law so passed, by or for a portion of a municipality or county municipality, to the same extent as if the same had been passed by or
50 for the whole municipality or county municipality. Municipal Act to apply to by-laws.

25. All by-laws to be submitted to such vote for granting bonuses to the said company, not requiring the levying of a greater annual rate than three cents in the dollar of the ratable
By-laws to be valid though the annual rate exceed

two cents in
the dollar.

property affected thereby, shall be valid, although the amount of the annual rate to be levied in pursuance thereof, shall exceed two cents in the dollar.

Exemption of
company from
taxation.

26. It shall further be lawful for the corporation of any municipality through any part of which the railway of the said company passes or is situate, by by-law especially passed for that purpose, to exempt the said company and its property, within such municipality, either in whole or in part, from municipal assessment or taxation, or to agree to a certain sum per annum or otherwise, in gross or by way of commutation or composition for payment: or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years.

Gifts of land
to company
for right of
way, &c.

27. Any municipality through which the said railway may pass is empowered to grant by way of gift to the said company any lands belonging to such municipality, which may be required for right of way, station grounds, or other purposes connected with the running or traffic of the said railway: and the said said railway company shall have power to accept gifts of land from any Government or any person or body politic or corporate, and shall have power to sell or otherwise dispose of the same for the benefit of the said company.

Trustees of
debentures.

28. It is hereby enacted that whenever any municipality or portion or portions of a municipality shall grant a bonus to aid the said company in the making, equipping and completion of the said railway, the debentures therefor shall, within six weeks after the by-laws authorizing the same, be delivered to the [, the] and a third person who shall be appointed by the Lieutenant-Governor in Council, and in case of gifts by individuals or bodies politic or corporate other than municipalities, the same shall be delivered to the same persons, unless the said company and such individuals or bodies politic or corporate shall agree on some other person or persons for that purpose, or shall agree that the same shall be delivered to the said company: Provided that if the Lieutenant-Governor in Council shall refuse or neglect to name such trustee within one month after notice to him in writing requiring him to appoint a trustee, the said company shall be at liberty to name a trustee in the place of the one to have been named by the said Lieutenant-Governor in Council.

Appointment
new trustees.

29. Any of the said trustees may be removed and a new trustee appointed in his place at any time by the Lieutenant-Governor in Council, with the consent of the said company, and in case any trustee die or resign his trust, or go to live out of Ontario, or otherwise become incapable to act, his trusteeship shall become vacant, and a new trustee may be appointed by the Lieutenant-Governor in Council, with the consent of the said company.

Act of two
trustees to be
binding.

30. The act of any two such trustees shall be as valid and binding as if the three had agreed.

Trusts on
which the
debentures are
to be held.

31. The said trustees shall receive the said debentures in trust to deposit the same in some chartered bank in this Province, and

to deliver the same to the company when and as may be agreed upon between the parties : and in case there shall be no agreement between the parties then to deliver the same to the company *pro rata* according to the work done per mile, on the certificate of the chief engineer of the company, specifying the value and nature of the work done, and the length thereof.

32. Any county in which is or are situated a township or townships or portion of a township that shall grant a bonus or bonuses in aid of the said company, shall be at liberty to take the debentures issued by such township or townships or portion of a township, and in exchange therefor to hand over to the trustees under this Act the debentures of the county, on resolution being passed to that effect by a majority of the county council.

Counties may issue debentures instead of townships.

33. The corporation of any municipality which has aided and assisted or may aid or assist the said company, may, upon the application of the company, grant such extension of time as said municipal corporation may think fit for the performance or fulfilment by the company of any work stipulated for in respect of such aid or assistance.

Municipal corporations empowered to extend time as to work.

34. The said company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars, and any such promissory note made or endorsed by the president or vice-president of the company, and countersigned by the secretary and treasurer of the said company, and under the authority of a quorum of the directors, shall be binding on the said company ; and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shewn ; and in no case shall it be necessary to have the seal of the company affixed to such promissory note or bill of exchange, or shall the president or vice-president, or the secretary and treasurer be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors, as herein provided and enacted : Provided however that nothing in this section shall be construed to authorize the said company to issue any note or bill of exchange payable to bearer, or intended to be circulated as money, or as the notes or bills of a bank.

Company may make negotiable instruments.

But not be concluded as money.

35. Whenever it shall be necessary for the purpose of procuring sufficient lands for stations or gravel pits, or for constructing, maintaining and using the said railway, and in case, by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use or enjoy such lands, and also the right of way thereto, if the same be separated from their railway ; and to sell and convey the same or part thereof, from time to time, as they may deem expedient.

Power to acquire lands for stations, gravel pits, &c.

36. Where stone, gravel, or any other material is or are required for the construction or maintenance of said railway or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same are situate for the purchase thereof, cause a provincial land surveyor to make a

Power to take gravel pits.

map and description of the property so required, and they shall serve a copy thereof with their notice of arbitration, as in case of acquiring the roadway, and the notice of arbitration, the award, and the tender of the compensation shall have the same effect as in the case of arbitration for the roadway. and all the provisions of the Railway Act as varied and modified by the special Acts relating to the said company as to the service of the said notice, arbitration, compensation deeds, payment of money in court, the right to sell, the right to convey, and the parties from whom lands may be taken or who may sell, shall apply to the subject matter of this section, and to the obtaining materials as aforesaid; and such proceedings may be had by the said company either for the right to the fee simple in the land from which said material shall be taken, or for the right to take material for any time they shall think necessary: the notice of arbitration, in case arbitration is resorted to, to state the interest required.

Power to lay sidings and tracks to gravel pits.

37. When said gravel, stone or other materials shall be taken under the preceding section of this Act at a distance from the line of the railway, the company may lay down the necessary siding and tracks over any lands which may intervene between the railway and the lands on which said material shall be found, whatever the distance may be; and all the provisions of the Railway Act and of the Acts amending the same, and of the Special Acts relating to said Company's Act, except such as relate to filing plans and publication of notice, shall apply, and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated; and such right may be so acquired for a term of years or permanently, as the company may think proper; and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed for the purpose of repairing and maintaining the said railway.

Directors may appoint agents in London and New York.

38. The directors of the company may, subject to the rules and regulations, from time to time, of the board, appoint an agent in the City of London, England, and also an agent in the City of New York, in the State of New York, and in the City of Chicago in the State of Illinois, with power to pay dividends, to open and keep books of transfer for the shares of the company, and for the issue of scrip and stock certificates; and thereupon shares may be transferred from the Canada office to the London New York or Chicago offices, in the names of the transferees in the same manner as shares may be transferred in the former office and *vice versa*; and shares originally taken and subscribed for in Great Britain, and shares originally taken and subscribed for in the United States may be respectively entered upon the books at the London, or at the New York or Chicago office, and scrip certificates be issued for them, and the agent or agents or other officer or officers shall transmit an accurate list of all such transfers and scrip certificates so issued to the secretary or other officer of the company in this Province, who shall thereupon make the requisite entries respecting such transfers and scrip certificates in the register kept in this Province, and thereupon the same shall be binding on the company, as to all the rights and privileges of shareholders, as though the scrip certificates had been issued by the secretary of the company in this Province.

39. Shares in the capital stock of the company may be transferred by any form of instrument in writing; but no transfer shall become effectual unless the stock or scrip certificates issued in respect of the shares intended to be transferred are surrendered to the company, or the surrender thereof dispensed with by the company. Provisions as to transfer of stock.

40. Whenever any transfer shall be made in England or the United States of any share of stock of the company, the delivery of the transfer and stock or strip certificates to the agent or agents of the company for the time being in London, New York and Chicago aforesaid shall be sufficient to constitute the transferee a shareholder or stockholder in the company in respect to the share of stocks so transferred; and such agent or agents shall transmit an accurate list of all such transfers to the secretary of the company in this Province, who shall thereupon make the requisite entries in the register, and the directors may from time to time make such regulations as they shall think fit for facilitating the transfer and registrations of shares of stock and the forms in respect thereof as well in this Province as elsewhere, and as to the closing of the register of transfers for the purpose of dividends as they may find expedient: and all such regulations not being inconsistent with the provisions of this Act and of the Railway Act, as altered or modified by this Act, shall be valid and binding. Provisions as to transferring stock.

41. It shall be lawful for the said company to enter into any agreement with any other railway company for leasing the said railway, or any part thereof, or for the use thereof, at any any time or times, or for any period, to such other company, or for the leasing or hiring any locomotives, tenders, or movable property; and generally to make any agreement or agreements with any such other company, touching the use by one or the other, or by both companies, of the railway or movable property of either or of both, or any part thereof, or touching any service to be rendered by the one company to the other, and the compensation therefor; or such other railway company, as well as any other corporation, may agree upon any terms, as they may mutually consent to, for the loan of its credit to, or may subscribe to and become the owner of the stock of the railway company hereby created, in like manner and with like rights as individuals; and any such agreement shall be valid and binding, and shall be enforced by courts of law, according to the terms and tenor thereof; and any company or individual accepting and executing such lease shall be and is empowered to exercise all the rights and privileges in the charter conferred. Company may enter into certain agreements with other railways.

42. The said company shall have power to guarantee for the loan of its credit to, or become guarantors for or may subscribe to or become the owners of stock in any railway company, with the line of which their line may be in connection, or any railway company over the line of which they hereafter may make arrangements for running powers or the conveyance of traffic: Provided, that the power given under this clause shall not be exercised, unless sanctioned by a vote to that end of two-thirds of the shareholders, voting in person or by proxy at a general meeting of the shareholders specially called for that purpose, or at the annual general meeting. Powers of guarantee, etc. Proviso.

Rights of
aliens.

43. Any shareholder in the said company, whether a British subject or alien, or a resident in Canada or elsewhere, shall have equal rights to hold stock in the said company, and to vote in the same and to be eligible to office in the said company.

Commense-
ment and com-
pletion of rail-
way.

44. The railway shall be commenced within three years and completed within five years after the passing of this Act. 5

SCHEDULE "A."

(See section 5.)

Know all men by these presents, that I (or we) [*insert the name or names of the vendor or vendors.*] in consideration of dollars paid to me (or us) by the Huron and Ottawa Railway Company, the receipt whereof is hereby acknowledged, do grant and convey, and I (or we) [*insert the name of any other party or parties*], in consideration of dollars paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (or, those certain parcels, *as the case may be*) of land situate (*describe the land*), the same having been selected and laid out by the said company for the purposes of this railway, to hold with the appurtenances unto the said, The Huron and Ottawa Railway Company, their successors and assigns [*here insert any other clauses, covenants or conditions required*]; and I the wife of the said , do hereby bar my dower in the said lands.

As witness my (or our) hand and seal (or hands and seals), this day of one thousand eight hundred and

Signed, sealed and delivered)
in presence of)

(L.S.)

SCHEDULE "B."

(See section 31.)

CHIEF ENGINEER'S CERTIFICATE.

THE HURON AND OTTAWA RAILWAY COMPANY'S OFFICE,
Engineer's Department,

, A.D., 18

No. .

Certificate to be attached to cheques drawn on The Huron and Ottawa Railway Municipal Trust account, and given under section of cap. , 36 Vic. :

I , chief engineer for The Huron and Ottawa Railway, do hereby certify that there has been expended in the construction of mile No. the sum of dollars to date, and that the total *pro rata* amount due for the same from the said Municipal Trust account amounts to the sum of dollars, which said sum of

dollars is now due and payable, as provided under said Act.



3rd Session, 2nd Parliament, 36 Victoria, 1874.

BILL.

An Act to incorporate the Huron and
Ottawa Railway Company.

First Reading, 13th February, 1874.

(*PRIVATE BILL.*)

Mr. CALDWELL.

TORONTO :

PRINTED BY HUNTER, ROSE & CO.

An Act to vest certain lands in the High School Board of the Town of Cobourg High School, and to empower it to sell the same.

WHEREAS, Ebenezer Perry, of the Town of Cobourg, in the County of Northumberland, gentleman, did on or about the twenty-ninth day of August, one thousand eight hundred and twenty-one, grant, bargain and sell unto Robert, Henry and Walter Boswell, Esquires, all that certain parcel or tract of land, situate, lying and being in the Township of Hamilton, in the County of Northumberland, and being composed of part of lot number sixteen, in concession B of that township, which said parcel or tract of land is butted and bounded or may be otherwise known as follows, that is to say: commencing at the north-east angle of the said lot number sixteen, where a post has been planted, then south sixteen degrees, twenty-five minutes east, parallel by the side of the township line of that concession five chains, to where a post has been planted, then south seventy-four degrees west, parallel by the northern boundry of said lot two chains, where a post has been planted, then north sixteen degrees, twenty-five minutes west, parallel to the aforesaid town line five chains, to where a post has been planted, to the northern boundary of said lot, to the road now travelled between York (now Toronto) and Kingston, then north seventy-four degrees east, two chains along the southern boundry of the said road to the place of beginning, containing one acre. In trust, however, for the use of the then District School for the then Newcastle District; And whereas, a school house was immediately erected on the said land, which has always been used for district school or grammar school purposes; And whereas, the said Robert, Henry and Walter Boswell died without having surrendered such lands according to the statute in that behalf, or made any other disposition thereof; And whereas, the said lands are not found to afford the most advantageous site for a school in the said town; And whereas, it is expedient to vest the same in the High School Board for the High School at Cobourg aforesaid, and to permit it to sell the same;

Preamble.

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The above mentioned lands and premises shall be, and the same are, hereby conveyed and belong to the said High School Board and its successors in office, in fee simple.

Certain lands conveyed to the High School Board.

2. The said Board and its successors in office, may sell or exchange or mortgage the said lands or any part thereof, and apply the proceeds arising from any sale or pledge of the same, or from any sale or pledge of anything taken in exchange for

Power to sell lands.

the same, either in purchasing other lands in the said Town of Cobourg for the site of a High School therein, or in improving or building upon lands already purchased, acquired or used for that purpose.

5

Form of conveyance.

3. Any deed, conveyance or mortgage of the said lands or any part thereof, or of any thing taken in exchange, may be executed under the hand of the Chairman for the time being of the said High School Board or its successors, and under the seal of the said High School Board.

10

Purchasers need not see to application of the purchase money.

4. The purchaser or mortgagee of said lands or any part thereof, or the party exchanging for the same or any part thereof, shall not be required to see to the application of the purchase money, money loaned, or anything taken in exchange, or be chargeable or accountable for the non-application or misapplication of the same.

15

3rd Session, 2nd Parliament, 37 Victoria, 1874.

BILL.

An Act to vest certain Lands in the High School Board of the Town of Cobourg High School, and to empower it to sell the same.

First Reading, 13th February, 1874.

(PRIVATE BILL.)

MR. GIFFORD.

An Act to enable "The Trustees of the Regular Baptist Church in Toronto" to sell certain Church Property.

WHEREAS the Honourable William McMaster, David Buchanan, William Elliot and John Burns, all of the City of Toronto, "The Trustees of the Regular Baptist Church in Toronto," which Church is ordinarily styled the "Bond Street Baptist Church," being a congregation of Christians now meeting for public worship in the building erected on the parcel of land composed of lots numbers six and seven, and the north half of lot number five on the west side of Bond Street, in the said city, and hereinafter more particularly described, have by their petition prayed that they should be empowered to sell and dispose of the said church property, and to apply the proceeds of the sale for the purpose of building a new church at the corner of Jarvis and Gerrard Streets in the said city, for the use of the said congregation: And whereas it is expedient to grant the prayer of the said petition ;

Preamble.

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. The said William McMaster, David Buchan, William Elliot and John Burns, "The Trustees of the Regular Baptist Church in Toronto," and the survivor and survivors of them or their successors in office, shall have full power and authority to contract to sell, and to sell the said lands, being those certain parcels of land and premises situate in the said City of Toronto, containing by admeasurement fourteen thousand five hundred square feet, being composed of parts of park lot number eight formerly in the Township of York, but now in the said city of Toronto, designated and laid down on the plan or survey of said park lot number eight and park lot number seven, made by Robert Lynn, a Provincial land surveyor, as lots numbers six and seven and the north half of lot number five, on the west side of Bond Street, and more particularly described in the trust deed thereof to the trustees of the said Church, in one or several parcels from time to time, at private sale or public auction for cash or on credit, secured in such manner as to them may seem fit, with power to buy in at any auction or auctions, and to re-sell without being responsible for any loss or deficiency thereon, and on any sale or sales, conveyances, execute and deliver, and the consideration money demand and receive, and release all mortgages or other securities that may be given for the purchase money or for any part thereof.

Trustees may sell certain lands.

Application of
purchase
money.

2. The vendors shall apply the proceeds of such sale or sales after the payment of the expenses thereof in or towards the payment of the purchase money of other lands situated at the corner of Jarvis and Gerrard streets, recently purchased for the use of the said congregation, and in the erection of a new church and other buildings upon the lands so purchased, to be used for the public worship of the said congregation, and for other religious purposes in connection therewith; Provided always that the purchaser or purchasers shall not be liable to see to the application of the purchase money. 5 10

Act not to
affect rights
of other
persons.

3.* Nothing in this Act contained shall be construed to affect the rights of any other person or persons in respect of the said lands.

BILL.

An Act to enable the Trustees of the Regular Baptist Church in Toronto, to sell certain Church Property.

1st Reading, 13th February, 1874.

(PRIVATE BILL.)

MR. SINCLAIR.

TORONTO:

PRINTED BY HUNTER, ROSE & CO.

An Act to consolidate and amend the several Acts relating to the Norfolk Railway Company, and to change the Corporate name thereof, to the Brantford and Port Burwell Railway Company.

WHEREAS, the Norfolk Railway Company has by its Presumable. petition represented that it has become, and now is organized, and has a large amount of its stock subscribed, and has surveyed and located a line railway from the Town of
 5 Brantford, to Port Burwell, in the County of Elgin, and has obtained large bonuses from the municipalities through and adjacent to which the said line of railway runs, and that it would facilitate the operations of the said company to consolidate and amend the several Acts relating to the same; and
 15 that its name should be changed to the "Brantford and Port Burwell Railway Company," and in order to give greater confidence and value to the debentures to be issued in pursuance thereof, that the by-laws granting the said bonuses should be legalized by an Act of the Legislature, and has prayed that an
 20 Act may be passed accordingly, and it is expedient to grant the prayer of the said petition:

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

25 **1.** From and after the passing of this Act, the "Norfolk Name of company changed. Railway Company" shall be known by, and the same shall be "The Brantford and Port Burwell Railway Company."

2. George Henry Wilkes, William Matthews, William S. Directors. Law, James Carroll, and William J. Imlach, the present
 30 directors of the "Norfolk Railway Company," shall be, and shall continue to be the directors of the "Brantford and Port Burwell Railway Company," until a new board of directors shall be chosen according to the provisions of this Act, and those holding shares in the capital stock of the "Norfolk Rail-
 35 way Company," shall be shareholders in the "Brantford and Port Burwell Railway Company," subject to the provisions of this Act, and of the lawful by-laws, regulations and resolutions respecting the same duly passed in that behalf, and all the property, assets, plans, surveys, and every other matter and thing
 40 whatsoever, of, or relating to the "Norfolk Railway Company," shall be the property of, and belong to the "Brantford and Port Burwell Railway Company," and the several by-laws of the corporations of the Town of Brantford, of the Township of Burford, of the Township of North Norwich, of the Town of Tilsonburg, of the Village of Vienna, of the Township of Houghton, and of the Township of Bayham, respectively, granting bonuses

to the "Norfolk Railway Company," shall be taken to have been for, and as granting bonuses to the "Brantford and Port Burwell Railway Company," which said latter company shall stand in the same position in all respects in relation to the said municipal corporations, and the bonuses by them granted, as though the name of the "Brantford and Port Burwell Railway Company" had been used in the said by-laws and proceedings, instead of the "Norfolk Railway Company."

Meaning of words "company," "railway," in this Act.

3. In this Act, when the word "company" is used without qualification or limitation, it shall be taken to mean the "Brantford and Port Burwell Railway Company," and when the word "railway" is used without qualification or limitation, it shall mean a line of railway from Brantford to Port Burwell, and its extension northward from Brantford, as provided in this Act.

Certain clauses of railway act to apply.

4. The several clauses of the Railway Act of the consolidated Statutes of Canada, and amendments with the respect to the first, second, third, fourth, fifth and sixth clauses thereof, with respect to "interpretation," "incorporation," "powers," "plans and survey," "lands and their valuation," "highways and bridges," "fences," "tolls," general meetings," "president and directors," their election and duties," "calls," "shares and their transfer," "municipalities," "shareholders," "actions for indemnity and fines and penalties and their prosecution," "by-laws, notices, &c.," "working of the railway," and "general provisions," shall be incorporated with, and be deemed to be part of this Act, and shall apply to the said company, and to the railway to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof, and the expression "this Act," when used herein, shall be understood to include the clauses of the Railway Act, so incorporated herewith.

Location of line.

5. The said company shall have power and authority to construct and operate a railway from or near the Town of Brantford, in the County of Brant, to or near Port Burwell, in the County of Elgin, and to extend the same northward from the Town of Brantford, to the line of the Credit Valley Railway, or to the line of any other railway northward from Brantford.

Form of conveyances.

6. Conveyances of lands to the said company for the purposes of this Act, may be made in the form set out in the schedule to this Act, or to the like effect, marked "A." and such conveyances shall be received by the registrars, and be registered by duplicates thereof, in such manner, and upon such proof of execution as is required by the Registry Laws of this Province, and no registrar shall be entitled to demand or receive more than fifty cents for registering each such conveyance, including all entries and certificates thereof, and certificates endorsed on the duplicate thereof.

Registration.

Capital stock.

7. The capital stock of the said company shall be two hundred thousand dollars (with power to increase the same in the manner provided by the "Act respecting Railways," to be divided into four thousand shares of fifty dollars each, and shall be raised by the persons and corporations who are now or may hereafter become shareholders in the said company; and

the money so raised or to be raised shall be applied first to the payment of all expenses attending the organization of the said company, and the surveys, plans, and estimates connected with the railway hereby authorized to be constructed: and all the residue of such money shall be applied to the making, equipment, and completion of the said railway, and other purposes of this Act.

Application of money.

8. It shall be lawful for any municipality through any part of which, or near which the said railway shall pass, to aid and assist the said company by loaning or guaranteeing, or giving money by way of bonus or other means to the said company, or by issuing municipal debentures to or in aid of the said company, or otherwise in such manner and to such extent as such municipality shall think expedient: Provided always that no such aid or assistance shall be given except by by-law duly passed for that purpose, as provided in the "Act respecting Railways," and in conformity with the laws of this Province respecting municipal institutions.

Aid from Municipalities.

9. Whenever any municipality shall grant a bonus in aid of the said company, the debentures shall within six weeks thereafter, or within such time thereafter as the said company shall in writing served upon the head of such municipality, name and appoint, to be delivered to three trustees to be appointed, one by the Lieutenant-Governor in Council, one by the said company, and one by the heads of the municipalities which have granted bonuses: Provided, that if the Lieutenant-Governor in Council shall neglect or refuse to appoint such trustee within two weeks after he shall have been notified so to do, the said company shall be at liberty to appoint one in the place of the one to be appointed by the Lieutenant-Governor in Council: Provided also, that the said heads of the said municipalities shall appoint the trustee to be appointed by them by the vote of the majority of them who shall attend the meeting to be held for that purpose, at such time and place as the said company shall name, notice in writing whereof shall be sent by post to each of them at least ten days before the day named for the meeting, and if they then fail or neglect to appoint such trustee, the said company shall be at liberty to name and appoint the trustee to have been named or appointed by them; but any trustee appointed may be removed or may resign, and a new trustee appointed in his place, by the parties, and in manner aforesaid.

Debentures to be delivered to trustees.

10. The trustees mentioned in the next preceding section shall receive the said debentures in trust: firstly, to convert the same into money; secondly, to deposit the money in some one of the chartered banks having an office in the Town of Brantford, under an account styled "The Brantford and Port Burwell Municipal Trust Account;" thirdly, to pay out the money to the said company from time to time on the certificate of the chief engineer of the said company, to be in the form or to the like effect of schedule "B," to this Act, to be expended on the said railway as provided in the said by-laws.

Trusts on which debentures are to be held.

11. The two next preceding sections shall apply to the municipalities and the bonuses by them granted mentioned in the third section of this Act.

Two preceding sections to apply to municipalities aiding.

Directors.**Qualification of**

12. There shall be five directors of the said company, who shall be chosen annually, and who shall hold office until their successors shall be appointed, but no person shall be qualified to be a director unless he shall be a holder of at least ten shares in the capital stock of the said company, and unless he shall have paid up all calls thereon.

Annual meetings.

13. General annual meetings of the shareholders of the said company for the election of directors and for other purposes, shall be held at such places, on such days, and at such hours as may be appointed by by-laws or resolutions of the said company, or of the board of directors duly passed in that behalf; and public notice thereof shall be given, at least thirty days previously, in the *Ontario Gazette*, and in one or more newspapers published in the county or counties through which, or a portion of which, the said railway may pass.

Special meetings.

14. Special general meetings of the shareholders of the said company may be held at such places, and at such times, and for such purposes as may be provided, designated, and appointed by any by-laws or resolutions duly passed in that behalf, notices whereof shall be given, as provided in the next preceeding section.

Issue of bonds.

15. The directors of the said company, after the sanction of the shareholders shall have been first obtained at any special or general meeting to be called, from time to time, for such purpose, but limited to the terms of this Act, shall have power to issue bonds made and signed by the president or vice-president of the said company, and countersigned by the secretary and treasurer, and under the seal of the said company, for the purpose of raising money for prosecuting the said undertaking; and such bonds shall, without registration or formal conveyance, be taken and considered to be the first and preferential claims and charges upon the undertaking, and the property of the company, real and personal, and then existing, and at any time thereafter acquired; and each holder of the said bonds shall be deemed to be a mortgagee and incumbrancer, *pro rata* with all the other holders thereof upon the undertaking and the property of the said company as aforesaid: Provided, however, that the whole amount of such issue of bonds shall not exceed in all the sum of two hundred thousand dollars, nor shall the amount of such bonds issued at any one time, be in excess of the amount of the actual paid up cash instalments on its share capital, together with the amount of paid up municipal and other bonuses, and which have been actually expended in surveys, and in works of construction upon the line; Provided also, that in the event at any time, of the interest upon the said bond remaining unpaid and owing, then, at the next ensuing general annual meeting of the said company, all holders of bonds shall have and possess the same rights, privileges, and qualifications for directors, and for voting as are attached to shareholders: Provided that the bonds and any transfers thereof shall have been first registered in the same manner as is provided for the registration of shares.

Issue not to exceed \$200000**May be made payable to bearer.**

16. All such bonds, debentures, mortgages and other securities, and coupons and interest warrants thereon, respectively, may be made payable to bearer, and transferable by delivery;

and any holder of any such, so made payable to bearer, may sue at law thereon in his own name.

17. The said company shall have power and authority to become parties to promissory notes and bills of exchange for ^{Negotiable} ~~disbursements.~~ sums for not less than one hundred dollars; and any such promissory note made or endorsed, or any such bill of exchange, drawn, accepted or endorsed by the president or vice-president of the company, and countersigned by the secretary and treasurer of the said company, shall be binding on the said company; and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange; nor shall the president or vice-president, or the secretary and treasurer, be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors: Provided, however, that nothing in this section shall be construed to authorize the said company to issue any note or bill of exchange payable to bearer, or intended to be circulated as money, or as the notes or bills of a bank.

18. Every shareholder of one or more shares of the said capital stock, and bondholders as provided in section fifteen of this Act, in the same ratio as shareholders, shall, at any general or special meeting of the shareholders, be entitled to one vote for every share held by him. ^{One vote to each share.}

19. At all meetings of the company, the stock held by municipal and other corporations, may be represented by such person as they shall respectively have appointed in that behalf by by-law; and such persons shall, at such meeting, be entitled equally with other shareholders to vote by proxy; and no shareholder shall be entitled to vote on any matter whatever, unless all calls due on the stock held by such shareholder shall have been paid up at least one week before the day appointed for such meeting. ^{Who to vote.}

20. Any meeting of the directors of the said company regularly summoned, at which not less than three directors shall be present, shall be competent to exercise and use all and every of the powers hereby vested in the said directors. ^{Quorum.}

21. On the subscription for shares of the said capital stock, each subscriber shall pay forthwith to the directors, for the purposes set out in this Act, ten per centum of the amount subscribed by him, and the said directors shall deposit the same in some chartered bank to the credit of the said company, and not to be taken out therefrom, except for the purposes of the said company. ^{Amount payable on subscribing.}

22. Hereafter calls may be made by the directors, for the time being, as they shall see fit: Provided, that no calls shall be made at any one time, of more than ten per centum of the amount subscribed by each subscriber, and at not less intervals than one month. ^{Calls. Provision.}

23. Whenever it shall be necessary for the purpose of procuring sufficient lands for stations or gravel pits for the use of the said railway, the said company may purchase, hold, use or ^{May purchase lands for gravel pits, etc.}

enjoy such lands, and also the right of way thereto, if the same be separated from their railway, in such manner and for such purposes connected with the construction, maintenance or use of the said railway, as they may deem expedient, and to sell and convey the same, or parts thereof, from time to time, as they may deem expedient, and to obtain any such lands, or the use thereof, may use the compulsory powers of this Act. 5

Municipalities
to submit by-
laws for aid on
being peti-
tione^d.

21. In case twenty-five persons, at least, rated on the last revised assessment roll of any municipality as freeholders, who may be qualified voters under the Municipal Act, do petition the council of such municipality, and in such petition expressing the desire of the said petitioners to aid in the construction of the said railway, by giving a bonus to the said company, and stating the amount which they so desire to grant and be assessed for, the council of such municipality shall, within six weeks after the receipt of such petition, introduce a by-law, and submit the same to the vote of the qualified voters; and in case aid is desired from any portion of a township municipality, if at least twenty-five of the persons, who are qualified voters as aforesaid in any portion of the said township municipality, do petition the council of such municipality to pass a by-law, in such petition defining the metes and bounds within which the property of the petitioners is situate, and expressing the desire of the said petitioners to aid in the construction of the said railway by granting a bonus to the said company, and stating the amount which they so desire to grant and be assessed for, the council of such municipality shall within six weeks after the receipt of such petition, introduce the requisite by-law, and submit the same to the approval of the qualified voters of the said portion of such municipality; and in case aid is desired from any county municipality, or any portions of a county municipality, upon the petition of at least fifty persons, who are qualified voters as aforesaid within such county municipality, or portions of the county, as the case may be, or upon the petition of the majority of the reeves and deputy-reeves of such county municipality as reside in the said portion from which aid is desired; and in the case of a portion of a county do in such petition define the municipality or municipalities within such county municipality, and the metes and bounds of the portion or portions of the municipality forming the portion of the county municipality that may be asked to grant aid, and in either case, in such petition expressing the desire of the said petitioners to aid in the construction of the said railway by granting a bonus to the said company, and stating the amount which they desire to grant and be assessed for, the council of such county municipality shall, within six weeks after the receipt of such petition, introduce the requisite by-law, and submit the same to the qualified voters of the county, or of the portion of the county defined in the said petition, as the case may be, in the same manner and to the same effect as if they had introduced the same of their own motion; and upon any such petition being presented to the warden or other head of any county, or the reeve, mayor, or other head of any other municipality, he shall forthwith call a meeting of the council of such municipality to be held within four weeks thereafter, for the purpose of introducing such by-law and submitting the same to the vote of the qualified voters, in the manner required by the Municipal Act; 10 15 20 25 30 35 40 45 50 55

(1.) For raising the amount so petitioned for by such free-holders, or such reeves and deputy-reeves, in such portion of the municipality, by the issue of debentures of the municipality, payable in twenty years, and for the delivery to the
 5 said trustees of the debentures for the amount of said bonus, at the times and on the terms specified in said petition ;

For issuing debentures for bonuses.

(2.) For assessing and levying upon all the ratable property lying within the section defined by said petition, an equal annual special rate, sufficient to include a sinking fund, for the re-
 10 payment of the debentures with interest thereon, said interest to be payable yearly or half-yearly ; which debentures the municipal councils, and the wardens, reeves, and other officers thereof, are hereby authorized to execute and issue in such cases respectively.

To impose a rate for repayment.

15 **25.** The provisions of the Municipal Acts, and of this Act, as to the bonuses granted by any municipality, and the by-laws granting the same, shall apply to any bonus so granted, or by-laws so passed by or for a portion of a municipality.

Municipal and revised Acts to apply to bonuses and by-laws.

26. Any county in which is or are situated a township or townships, that have granted, or hereafter may grant, a bonus or
 20 bonuses in aid of the said company, shall be at liberty to take the debentures issued by said township or townships, and in exchange therefor, to hand over to the trustees mentioned in this Act, the debentures of the county, on a resolution being passed to that effect by a majority of the county council.

Exchange of debentures of counties and townships.

25 **27.** It shall be lawful for the said company to lease or otherwise dispose of its railway to any other railway company, upon such terms as may be agree upon between the said company and any other railway company, and approved of by a vote of the majority of the shareholders of the said company,
 30 at any general or special meeting duly convened for that purpose

Company may lease or otherwise dispose of line.

28. And whereas, certain municipalities, by by-laws duly approved of by the ratepayers, and duly passed by the several municipalities following, for the several respective sums set op-
 35 posite the same respectively—namely :—

Certain by-laws and debentures declared valid.

	The Town of Brantford - - - -	\$70,000
	The Township of Burford - - - -	30,000
	The Township of North Norwich - - - -	30,000
	The Town of Tilsonburgh - - - -	8,000
40	The Village of Vienna - - - -	4,000
	The Township of Houghton - - - -	10,000
	The Township of Bayham - - - -	30,000

have granted respectively the several sums aforesaid in aid of the construction of the said railway situate between the town
 45 of Brantford and Port Burwell on the terms in the respective by-laws set forth, and it would give greater credit, currency and value to the debentures to be issued under and in pursuance of the said by-laws, and thereby advance the object all parties interested have in view, to have the same by-laws and the deben-
 50 tures to be issued in pursuance thereof, legalised by any Act of the Legislature : It is therefore enacted that A, B, C, D, E, F, G, and every of them shall be taken and held to be good and valid

by-laws for the purposes for which they purport to be passed, and for the purposes of the said company, and the debentures issued in pursuance of the same by-laws and every of them shall be taken and held to be, and shall be good and valid debentures.

Commence-
ment of rail-
way.

29. This Act shall become void unless the construction of the said railway shall be commenced within two years, and completed within five years from the day of the passing of this Act. 5

SCHEDULE "A."

(Section 6.)

Know all men by these presents that I (or we) [*insert also name of wife or any other person who may be a party*] in consideration of dollars paid to me (*as the case may be*) by the Brantford and Port Burwell Railway Company, the receipt whereof is hereby acknowledged, to grant and convey (*and I the said do grant and release or do bar my dower, as the case may be*) in all that certain parcel, &c. (*describe the lands*) unto the said company for the purposes of its railway and works, to hold to the said company, its successors, and assigns for ever.

As witness, &c.

Signed, sealed and delivered }
in the presence of }

[L.S.]

SCHEDULE "B."

(Section 10.)

CHIEF ENGINEER'S CERTIFICATE.

The Brantford and Port Burwell Railway Company's Office.
Engineer's Department.

Certificates to be attached to cheques drawn on the Brantford and Port Burwell Railway Municipal Trust Account in Trustees hands, and given under sections of cap. 37 Vic.

I, Chief Engineer for the Norfolk Railway, do hereby certify that there has been expended in the construction of mile No. (the said mileage being numbered consecutively from the point of commencement thereof, to the terminus) the sum of dollars to date, and that the total *pro rata* amount due for the same from the Municipal Trust Account, amounts to the sum of dollars, which said sum of dollars is now due and payable, as provided under the said Act.

Chief Engineer.

A by-law of the Municipal Corporation of the Town of Brantford, numbered two hundred and thirty-eight, and intituled "By-law to aid the Norfolk Railway Company by a grant of money of seventy thousand dollars, and for other purposes;" also, By-law of the Municipal Corporation of the Township of Burford, numbered and intituled "By-law to aid and assist the Norfolk Railway Company to construct a line of railway from the Town of Brantford to Port Burwell, and passing through the Townships of Brantford, Burford, North Norwich, South Norwich, Dereham, Middleton, and Bayham, by giving thirty thousand dollars to the said company by way of bonus, to issue debentures therefor, to provide for the appointment of trustees to hold the said debentures, and to authorize the levying of an annual special rate for the payment of the said debentures and interest;" also, A by-law of the Municipal Corporation of the Township of North Norwich, numbered and intituled "A By-law to aid and assist the Norfolk Railway Company to construct a line of railway from the Town of Brantford to Port Burwell, and passing through the Townships of Brantford, Burford, North Norwich, South Norwich, Dereham, Middleton, and Bayham, by giving thirty thousand dollars to the said company by way of bonus, to issue debentures therefor, to provide for the appointment of trustees to hold the said debentures, and to authorize the levying of an annual special rate for the payment of the said debentures and interest;" also, A by-law of the municipal corporation of the town of Tilsonburg numbered and intituled "A by-law to aid and assist the Norfolk Railway Company, to construct a line of railway from the town of Brantford to Port Burwell, and passing through the towns of Brantford and Tilsonbury and the township of Brantford, Burford, North Norwich, South Norwich, Dereham, Middleton, and Bayham, by giving eight thousand dollars to the said company by way of bonus, to issue debentures therefor, to provide for the appointment of trustees to hold the said debentures, and to authorize the levying of an annual special rate for the payment of the said debentures and interest;" also, A by-law of the municipal corporation of the village of Vienna, numbered and intituled "A by-law to aid and assist the Norfolk Railway Company to construct a line of railway from the town of Brantford to Port Burwell, passing through the townships of Brantford, Burford, North Norwich, South Norwich, Dereham, Middleton, and Bayham, by giving four thousand dollars to the said company by way of bonus, to issue debentures therefor, to provide for the appointment of trustees to hold the said debentures, and to authorize the levying of an annual special rate for the payment of the said debentures and interest;" also, A by-law of the municipal corporation of the township of Houghton, numbered and intituled "A by-law to aid and assist the Norfolk Railway Company to construct a line of railway from the town of Brantford to Port Burwell, and passing through the townships of Brantford, Burford, North Norwich, South Norwich, Dereham, Middleton and Bayham, by giving ten thousand dollars to said company by way of bonus, to issue debentures therefor, to provide for the appointment of trustees to hold the said debentures, and to authorize the levying of an annual, special rate for the payment of the said debentures and interest;" also, A by-law of the municipal corporation of the township of Bayham, numbered and intituled "A by-law to aid and assist the Nor-

folk Railway Company to construct a line of railway from the town of Brantford to Port Burwell, and passing through the townships of Brantford, Burford, North Norwich, South Norwich, Dereham, Middleton, and Bayham, by giving thirty thousand dollars to said company by way of bonus, to issue debentures therefor, to provide for the appointment of trustees to hold the said debentures, and to authorize the levying of an annual special rate for the payment of the said debentures and interest.

3rd Session, 2nd Parliament, 37 Victoria, 1874.

BILL.

An Act to consolidate and amend the several Acts relating to "the Norfolk Railway Company," and to change the corporate name thereof to "the Brantford and Port Burwell Railway Company."

First Reading, 13th February, 1874.

(PRIVATE BILL.)

MR. HARDY.

TORONTO:

PRINTED BY HUNTER, ROSE & CO.

An Act to amend the several Acts relating to the Norfolk Railway Company, and to change the Corporate name thereof, to the Brantford, Norfolk and Port Burwell Railway Company.

WHEREAS, the Norfolk Railway Company has by its Preamble.
petition represented that it has become, and now is organized, and has a large amount of its stock subscribed, and has surveyed and located a line of railway from the Town
5 of Brantford, to Port Burwell, in the County of Elgin, and has obtained large bonuses from the municipalities through and adjacent to which the said line of railway runs, and that it would facilitate the operations of the said company to amend the several Acts relating to the same; and that its
10 name should be changed to the "Brantford, Norfolk and Port Burwell Railway Company," and in order to give greater confidence and value to the debentures to be issued in pursuance thereof, that the by-laws granting the said bonuses should be legalized by an Act of the Legislature, and has prayed that an
15 Act may be passed accordingly, and it is expedient to grant the prayer of the said petition:

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 20 1. From and after the passing of this Act, the "Norfolk Railway Company" shall be known by, and the same shall be
"The Brantford, Norfolk and Port Burwell Railway Company,"
and all the property, assets, plans, surveys, and every other
matter and thing whatsoever, of, or relating to the "Norfolk
25 Railway Company," shall be the property of, and belong to the
"Brantford, Norfolk and Port Burwell Railway Company,"
subject to all rights and liabilities now affecting the same, and the several acts relating to the Norfolk Railway Company, shall
in all respects apply to the "Brantford, Norfolk and Port Bur-
30 well Railway Company," as if expressly enacted therefor, and the several by-laws of the corporations of the Town of Brantford, of the Township of Burford, of the Township of North Norwich, of the Town of Tilsonburg, of the Village of Vienna, of the Township of Houghton, and of the Township of Bayham,
35 respectively, granting bonuses to the "Norfolk Railway Company," shall be taken to have been for, and as granting bonuses to the "Brantford, Norfolk and Port Burwell Railway Company," which said latter company shall stand in the same position in all respects in relation to the said municipal corpora-
40 tions, and the bonuses by them granted, as though the name of the "Brantford, Norfolk and Port Burwell Railway Company" had been used in the said by-laws and proceedings, instead of the "Norfolk Railway Company."

Name of com-
pany.

Property of
Norfolk Rail-
way Company
transferred to
Brantford,
Norfolk and
Port Burwell
Railway Coy.

Debentures to
be delivered to
trustees.

2. When any municipality grants a bonus in aid of the said company, the debentures shall within six weeks thereafter, or within such time thereafter as the said company shall in writing served upon the head of such municipality, name and appoint, be delivered to three trustees to be appointed, one by the Lieutenant-Governor in Council, one by the said company, and one by the heads of the municipalities which have granted bonuses : Provided, that if the Lieutenant-Governor in council shall neglect or refuse to appoint such trustee within two weeks after he shall have been notified so to do, the said company shall be at liberty to appoint one in the place of the one to be appointed by the Lieutenant-Governor in Council : Provided also, that the said heads of the said municipalities shall appoint the trustee to be appointed by them by the vote of the majority of them who shall attend the meeting to be held for that purpose, at such time and place as the said company shall name, notice in writing whereof shall be sent by post to each of them at least ten days before the day named for the meeting, and if they then fail or neglect to appoint such trustee, the said company shall be at liberty to name and appoint the trustee to have been named or appointed by them ; but any trustee appointed may be removed or may resign, and a new trustee appointed in his place, by the parties, and in manner aforesaid.

Trusts on
which debentures
are to be
held.

3. The trustees mentioned in the next preceding section shall receive the said debentures in trust : firstly, to convert the same into money ; secondly, to deposit the money in some one of the chartered banks of Canada having an office in the Town of Brantford, under an account styled " The Brantford, Norfolk and Port Burwell Railway Municipal Trust Account ; " thirdly, to pay out the money to the said company from time to time on the certificate of the chief engineer of the said company, to be in the form or to the like effect of schedule " A " to this Act, to be expended on the said railway as provided in the said by-laws.

Two preceding
sections to ap-
ply to municipa-
lities aiding.

4. The two next preceding sections shall apply to the municipalities and the bonuses granted by them which are mentioned in the first section of this Act ; but any conditions contained in any of said by-laws for the delivery of said debentures, or payment of said bonuses shall remain in full effect, and any municipality which has or may grant a bonus, may by by-law make any payment to the company in advance thereon, not to exceed five per centum, until all the conditions of the by-law for aid are fulfilled.

Annual meet-
ings.

5. General annual meetings of the shareholders of the said company for the election of directors and for other purposes, shall be held at the town of Brantford on such days and at such hours as may be appointed by by-laws or resolution of the said company, or of the board of directors duly passed in that behalf ; and public notice thereof shall be given, at least thirty days previously, in the *Ontario Gazette*, and in one or more newspapers published in the county or counties through which, or a portion of which, the said railway may pass.

Special meet-
ings.

6. Special general meetings of the shareholders of the said company may be held at such places, and at such times, and for

such purposes as may be provided, designated, and appointed by any by-laws or resolutions duly passed by the directors in that behalf, notices whereof shall be given, as provided in the next preceeding section.

- 5 7. The directors of the said company, after the sanction of the shareholders shall have been first obtained at any special or general meeting to be called, from time to time, for such purpose, but limited to the terms of said Act, incorporating the Norfolk Railway Company, and the Acts reviving and amending the same, shall have power to issue bonds made and signed by the president or vice-president of the said company, and countersigned by the secretary or treasurer, and under the seal of the said company, for the purpose of raising money for prosecuting the said undertaking: and such bonds shall, without registration or formal conveyance, be taken and considered to be the first and preferential claims and charges upon the undertaking, and the property of the company, real and personal, and then existing, and at any time thereafter acquired: and each holder of the said bonds shall be deemed to be a mortgagee and incumbrancer, *pro rata* with all the other holders thereof upon the undertaking and the property of the said company as aforesaid: Provided, however, that the whole amount of such issue of bonds shall not exceed in all the sum of twelve thousand dollars per mile: Provided also, that in the event at any time, of the interest upon the said bonds remaining unpaid and owing, then, at the next ensuing general annual meeting of the said company, all holders of bonds shall have and possess the same rights, privileges, and qualifications for directors, and for voting as are attached to shareholders: Provided, that the bonds and any transfers thereof shall have been first registered in the same manner as is provided for the registration of shares.

Issue of bonds.

Issue not to exceed \$12,000 per mile.

8. Where stone, gravel or any other material is or are required for the construction or maintenance of said railway, or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same are situate for the purchase thereof, cause a provincial land surveyor to make a map and description of the property so required; and they shall serve a copy thereof with their notice of arbitration as in case of acquiring the roadway; and the notice of arbitration, the award and the tender of the compensation shall have the same effect as in case of arbitration for the roadway; and all the provisions of the Railway Act as varied and modified by the special Acts relating to the said company as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey and the parties from whom lands may be taken or who may sell, shall apply to the subject matter of this section, and to the obtaining materials as aforesaid; and such proceedings may be had by the said company either for the right to the fee simple in the land from which said material shall be taken or for the right to take material for any time they shall think necessary; the notice of arbitration, in case arbitration is resorted to, to state the interest required.

Powers of the company as to stone, gravel, etc.

9. When said gravel, stone or other materials shall be taken under the preceding section of this Act, at a distance from the

Siding and tracks to lands

to take gravel
etc.

line of the railway, the company may lay down the necessary siding and tracks over any lands which may intervene between the railway and the lands on which said material shall be found, whatever the distance may be; and all the provisions of the Railway Act and of the Acts amending the same, and of the Special Acts relating to said company's Act, except such as relate to filing plans and publication of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated, and such right may be so acquired for a term of years or permanently as the company may think proper; and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed for the purpose of repairing and maintaining the said railway. 5 10

Municipal and
recited Acts to
apply to bonuses and by-laws.

10. The provisions of the Acts incorporating and relating to the Norfolk Railway Company, as to the bonuses granted by any municipality, and the by-laws granting the same, shall apply to any bonus so granted, or to be granted by by-laws passed or to be passed by or for a portion of a municipality. 15

Exchange of
debentures of
counties and
townships.

11. Any county in which is or are situated a township or townships, that have granted, or hereafter may grant, a bonus or bonuses in aid of the said company, shall be at liberty to take the debentures issued by said township or townships, and in exchange therefor, to hand over to the trustees mentioned in this Act, the debentures of the county, on a resolution being passed to that effect by a majority of the county council, and being fully indemnified by the township against any rate or liability therefor. 20 25

Company may
agree with
other companies as to
leasing.

12. It shall be lawful for the said company to enter into any agreement with any other railway company for leasing the said railway or any part thereof, or the use thereof, at any time or times or for any period to such other railway company, or for leasing or hiring from any other company any railway or part thereof, or the use thereof; or for the leasing or hiring any locomotives, tenders, or moveable property, and generally to make any agreement or agreements, with any such other company touching the use by one or the other, or by both companies of the railway or moveable property of either or both or any part thereof, and any such lease or agreement shall be valid and binding, and may be enforced by law according to the terms and tenor thereof, and such other company accepting and executing such lease or agreement shall be and hereby is empowered to exercise all the rights and privileges conferred on the said railway company, by any Act relating thereto, provided that no such agreement shall be valid unless the same shall have been sanctioned by two-thirds majority of the shareholders of the company present, in person or by proxy, at a meeting specially convened for that purpose. 30 35 40 45

Certain by-laws and debentures declared valid.

13. And whereas, certain municipalities, by by-laws duly approved of by the ratepayers, and duly passed by the several municipalities following, for the several respective sums set opposite the same respectively, namely:— 50

The Town of Brantford -	-	-	-	\$70,000	
The Township of Burford	-	-	-	30,000	55

The Township of North Norwich	-	-	-	\$30,000
The Town of Tilsonburgh	-	-	-	8,000
The Village of Vienna	-	-	-	4,000
The Township of Houghton	-	-	-	10,000
The Township of Bayham	-	-	-	30,000

have granted respectively the several sums aforesaid in aid of the construction of the said railway situate between the town of Brantford and Port Burwell on the terms in the respective by-laws set forth, and it would give greater credit, currency and value to the debentures to be issued under and in pursuance of the said by-laws, and thereby advance the object all parties interested have in view, to have the same by-laws and the debentures to be issued in pursuance thereof, confirmed by any Act of the Legislature: It is therefore enacted that the said several by-laws and every of them shall be taken and held to be good and valid by-laws, and the same are hereby confirmed and the debentures to be issued in pursuance thereof, and every of them shall be taken and held to be good and valid debentures, and the same debentures shall be issued to and in the name of the "Brantford, Norfolk, and Port Burwell Railway Company," and it shall be competent and lawful for the said company by and with the consent of any of the said municipalities, expressed by a by-law or by-laws in that behalf from time to time to vary the alignment of the said line of railway in such municipality, and such consent or variations shall in no wise invalidate or vary the by-law or by-laws granting any bonus or the bonds or debentures to be issued in pursuance thereof.

14. It shall and may be lawful for the said company to purchase and hold property not exceeding ten acres at each extremity of the said railway, for the purpose of building and to build thereon elevators, wharves, storehouses, warehouses, engine houses, sheds and other erections for the use of the said railway company, and the same or a portion thereof, in their discretion, subsequently to sell and convey; the said company, for the purpose only of facilitating its traffic shall further have power to purchase, build, complete, fit out and charter, sell or dispose of, work and control, and keep in repair, one steam vessel or more, from time to time to ply on the inland rivers and lakes adjacent to the said railway, in connection with the said railway.

Power to hold wharves, etc.,

15. For the purpose of constructing, working and protecting the telegraph lines to be constructed by the said company on their line of railway, the powers conferred on telegraph companies by the Act respecting Electric Telegraph Companies are hereby conferred upon the said company, and the other provisions of the said Act for the working and protection of telegraph lines shall apply to any such telegraph lines to be constructed by the said company.

Telegraph lines.

16. Notwithstanding the lapse of any time limited by the said Acts for commencing or completing the said railway, the said Acts shall continue in full force; and any by-laws granting aid shall also continue in force and the times for commencing and completing the construction of the said railway are hereby respectively extended for periods of two years and five years from the passing of this Act.

Commencement and completion of railway.

Inconsistent
claims of 32
V., c. 58, 35
V., c. 52, and
36 V., c. 93 re-
pealed.

17. All sections and parts of sections of the Acts of the Ontario Legislature, passed in the thirty-second year of the reign of Her Majesty Queen Victoria, and chaptered fifty-eight; the Act passed in the thirty-fifth year of Her said Majesty, and chaptered fifty-two; and the Act passed in the thirty-sixth year of the reign of Her said Majesty, and chaptered ninety-three—inconsistent with this Act, are hereby repealed.

SCHEDULE A.

(Section 3.)

CHIEF ENGINEER'S CERTIFICATE.

The Brantford, Norfolk and Port Burwell Ry. Coy's Office.
Engineer's Department.

Certificates to be attached to cheques drawn on the Brantford, Norfolk and Port Burwell Railway Municipal Trust Account in Trustees hands, and given under sections of cap. 37 Vic.

I, Chief Engineer for The Brantford Norfolk and Port Burwell Railway, do hereby certify that there has been expended in the construction of mile No. (the said mileage being numbered consecutively from the point of commencement thereof, to the terminus) the sum of _____ dollars to date, and that the total *pro rata* amount due for the same from the Municipal Trust Account, amounts to the sum of _____ dollars, which said sum of _____ dollars is now due and payable, as provided under the said Act.

Chief Engineer.

BILL.

An Act to amend the several Acts relating to "the Norfolk Railway Company," to change the corporate name thereof to "the Brantford, Norfolk, and Port Burwell Railway Company."

(Re-printed as Amended.)

1st Reading, 13th February, 1874.

PRIVATE BILL.

MR. HARD

TORONTO :

PRINTED BY HUNTER, ROSE & CO.

An Act to amend the Act passed in the thirty-sixth year of the reign of Her Majesty Queen Victoria, incorporating the Toronto Fuel Association.

WHEREAS, the Toronto Fuel Association have by their Preamble.
petition prayed that the Act incorporating the said
association may be amended so as to enable them to reduce the
5 number of their directors and build a wire tramway, and ves-
sels and barges, wharves and docks to facilitate the business of
the said company now carried on under the said Act, and to
extend the power of the said company and for other purposes,
and it is expedient to grant the prayer of the said petition ;
10 Therefore Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enact as
follows :—

1. The affairs of the company shall hereafter be under the Directors.
control of, and shall be managed and conducted by, a board of
15 not less than five nor more than seven directors.

2. The said association is hereby authorized and empowered Power to pur-
chase vessels,
to purchase barges, steamers and such other vessels and convey-
ances as may be requisite or useful for the conveyance and for-
warding of coal and other freight.

20 3. The said association are also empowered to erect and build wharves,
build wharves and other constructions and erections whatsoever
as may be requisite or useful in the carrying out of their said
business, and to build and construct such dry docks as may be
necessary for the repairing of their own or other barges, steam-
25 ers or vessels.

4. The said association, their servants, and agents, shall have and construct
tramways.
full power under this Act to lay out, construct and complete a
wire tramway from any wharf or wharves or other places of
disembarkation of freight to their said yards, for the purpose of
30 carrying and transplanting coal and other freight, and to ac-
quire, take and hold all lands necessary for the use, objects and
conveniences connected in any way therewith, or aiding the
traffic thereof, and to operate or work the same by a stationary
steam engine or engines.

35 5. The corporation of the city of Toronto in which the said City of Toronto
may permit
the construc-
tion of tram-
ways.
tramway or road may be laid, cut, constructed or pass, may, by
by-law or otherwise, permit the said association to construct the
same, or some or any part thereof, in, along, over and upon the
streets or highways upon such terms and conditions as may be
agreed upon between them.

BILL.

An Act to amend the Act passed in the thirty-sixth year of the reign of Her Majesty Queen Victoria, incorporating the Toronto Fuel Association."

First Reading, 13th February, 1874.

PRIVATE BILL.

MR. HODGINS.

TORONTO:

PRINTED BY HUNTER, ROSE & CO.

An Act respecting limitations of actions and suits, relating to Mortgage Sales, and to provide a mode to conduct future Mortgage Sales.

WHEREAS, many lands in the Province of Ontario have Preamble.

been sold under powers of sales in mortgages, and frequently in such cases the service of the notices of sales as provided for in the mortgages cannot be proven, or the conveyances pursuant to such powers of sale made thereon are invalid by reason of defects or irregularities caused in the exercising of the powers of sale, and the mortgagors or those claiming through or under them, whose lands were sold, have neglected to proceed to set such sales aside, or to take possession of the lands; And whereas the purchasers in many cases in such sales, or those claiming under them, have entered into possession for several years and made extensive improvements on the lands, without any steps having been taken by the original mortgagors, or those claiming under them, to question the validity of such sales;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. In all cases where lands under any power of sale of such lands contained in a mortgage have, or any part thereof, has been sold and conveyed under colour of such power of sale, and the purchaser thereof has obtained the possession, or receipt of the profit of such land or lands so sold, the mortgagor or any person claiming through him shall not bring a suit to Mortgagor to be barred at the end of six years from the time of the Mortgage sale from bringing suit. deem the mortgage or to set such mortgage sale aside, or to obtain possession of such lands, but within six years next after the time of such mortgage sale, or the registry of the conveyance in the proper Registry Office took place.

2. From and after the expiration of six years after said mortgage sale or the registration of the conveyance as aforesaid, the exercising of such power of sale and all subsequent proceedings thereunder up to and including such registration shall be deemed valid. Mortgage sale valid after six years.

3. In all cases where proceedings are now pending at law or in equity, wherein the validity of any sale or conveyance as aforesaid may come into question, and wherein such sale or conveyance being invalid is made valid by this act, it shall be competent to any person to carry such proceeding and recover his costs, if entitled thereto, in the same manner so far as regards his costs, as if this act had not been passed, provided that it shall be competent to any party Costs in actions pending

to such proceedings at any time to procure taxation of such costs, and on payment thereof such proceedings shall cease.

Future Mortgage sales, how to be conducted.

4. All sales under powers of sales in mortgages shall be here-
after conducted as follows: When default shall have been 5
made, a demand in writing, signed by the mortgagee or his
heirs, executors, administrators or assigns, or his certain attor-
ney demanding payment of the mortgage money then due shall
be served in the same manner as a writ of summons is now served
upon the mortgagor and all subsequent incumbrancers, or left for 10
him or them at his or their dwelling place within this Province,
or at his last or most usual place of abode within the Province and
an affidavit of service thereof duly made and sworn to before a com-
missioner for taking affidavits, provided always that service upon
the attorney, of any judgment creditor will be sufficient; and such 15
mortgage sale shall be advertised for four consecutive weeks,
once in each week in some newspaper in the county where the
lands lie; or if no newspaper be published therein, then in a
newspaper in an adjoining county; and such notice of demand,
the affidavit of service thereof, a copy of the advertisement 20
together with an affidavit of such four insertions shall be attach-
ed or annexed to the duplicate conveyance of such sale, and
the same shall be duly registered therewith, and the Regis-
trar shall copy at length in the proper books all such notice of de-
mands, advertisements and affidavits, and the same shall be evi- 25
dence of all therein contained, in all Courts of Law and Equity,
in the Province, upon the production of copies thereof certified
to by the said Registrar or the Deputy Registrar.

No. 12.

3rd Session, 2nd Parliament, 37 Vict., 1874.

BILL.

An Act respecting limitations of Actions and
Suits relating to Mortgage Sales, and to
provide a mode to conduct future Mort-
gage Sales.

First Reading, 13th February, 1874.

Hon. Mr. CURRIE.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act to authorize the Corporation of the City of Ottawa to widen Broad street, in the said City.

WHEREAS the Corporation of the City of Ottawa have by their petition set forth, that Broad Street, in the City of Ottawa, is not over the breadth of thirty-three feet, and that from the increase of the inhabitants and the growing traffic in the vicinity of the said street, it is imperatively necessary that it should be widened thirty feet; and that for certain reasons therein stated, they are unable to open up, establish, and widen the said street without the authority of the Legislative Assembly of Ontario, and have prayed for an Act to enable them to widen the said street to the extent aforesaid, without the consent of the parties interested in the said lands, upon making compensation therefor; and it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. That for and notwithstanding anything in the Act respecting municipal institutions in the Province of Ontario, or in any other Act or Statute to the contrary, it shall and may be lawful for the Corporation of the City of Ottawa to pass a by-law to open up, establish and widen the said street to the extent of thirty feet westerly, over and above its present width, without the written or other consent and against the will of the owners of the lands so required, to widen the said street, or of any person or persons, corporation or corporations interested therein or in any part thereof, the said, the corporation of the City of Ottawa making compensation for any damages resulting from the exercise of such powers, beyond any advantage which the claimant or claimants, or any of them, may derive from the contemplated widening of the said street as provided for by the Municipal Act or Acts of Ontario, in force at the time of the passing of this Act: Any claim for compensation if not mutually agreed upon, shall be determined by arbitration under the said Municipal Act or Acts; and all and singular the provisions of the said Municipal Act or Acts respecting arbitrations, shall be in force and applicable to the arbitrations under this Act in the same manner and to the same extent as if the Corporation of the City of Ottawa was proceeding under the said Municipal Act or Acts to arbitrate upon the compensations to be paid by them to open up or widen streets under the powers conferred on corporations by the said Municipal Act or Acts, or any of them: Provided always that the Corporation of the City of Ottawa shall forfeit the powers hereby conferred, unless they avail themselves of the provisions hereof within one year after the passing of this Act.

Preamble.

Power to widen
Broad Street.Arbitration as
to compensa-
tion.

3rd Session, 2nd Parliament, 37 Victoria, 1874.

BILL.

An Act to authorize the Corporation of the City of Ottawa to widen Broad Street, in the said City.

First Reading, 13th February, 1874.

(PRIVATE BILL.)

Mr. O'DONOGHUE.

TORONTO :

PRINTED BY HUNTER, ROSE & CO.

An Act to incorporate The London Life Insurance Company.

WHEREAS, Edward Harris, William Woodruff, John Walker, Joseph Jeffery and James Magee, all of the City of London, Esquires, have petitioned the Legislature of the Province of Ontario that a Company be incorporated under the name of "The London Life Insurance Company," for the purpose of carrying on the business of Life Insurance and of establishing Tontines and Mutual Benefit Societies, and it is expedient to grant their prayer;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The persons hereinafter mentioned, after having complied with the requirements of this Act as to subscription of stock, and such persons as now are or hereafter shall become shareholders of the said Company, shall be and are hereby created, constituted and declared to be a body corporate and politic, by the name of "The London Life Insurance Company," and by that name shall have perpetual succession and a common seal, with power to alter and change the same at pleasure, and may sue and be sued, contract and be contracted within the corporate name aforesaid.

2. The stock of the Company shall be one hundred thousand dollars, divided into one thousand shares of one hundred dollars each, which said shares shall be and are hereby vested in the several persons who shall subscribe for the same, their legal representatives and assigns, subject to the provisions of this Act; provided that the Board of Directors may increase the amount of the capital stock at any time, or from time to time, to an amount not exceeding on the whole five hundred thousand dollars; but no subscriptions to stock shall be legal or valid unless ten per centum thereon shall have been actually and *bona fide* paid thereon, within five days after subscription, into one or more of the chartered banks of this Province, to be designated by the Directors, and not to be withdrawn therefrom except for the purposes of the Company.

3. None of the persons or bodies corporate who may subscribe for stock, shall be liable for any further sum than to the extent of the unpaid amount upon the stock subscribed for by them.

4. Until the first annual election hereafter provided for, the Provisional Board of Directors shall consist of Edward Harris, William Woodruff, John Walker, Joseph Jeffery, and James Magee.

Powers of provincial directors.

5. The Provisional Board of Directors shall have power to open stock books at such places as they may direct, and to keep the same open so long as they deem it necessary; and the number of Directors shall continue to be five, until at a general meeting of the shareholders their number be increased or decreased, but their number shall not be more than fifteen, nor less than five. 5

Meeting of election of directors.

6. When fifty thousand dollars of the capital stock is subscribed and five thousand dollars paid in, the Provisional Directors shall by advertisement in one paper published in the City of London, and in the *Ontario Gazette*, call a meeting of shareholders to elect a Board of Directors to manage the affairs of the said Company under this Act. 10

Powers of directors.

7. The board shall have power to make calls for such sums or amounts, and at such times upon the shares or the respective shareholders as they may deem requisite for the purposes and interests of the Company, and to sue for and enforce the payment of the same, and may declare all shares forfeited on which such calls have not been duly paid, and may allot the same or any part thereof to any person or corporation, or sell the same or any part thereof; they shall also have power to fill vacancies in the Board from time to time as they occur; to appoint officers and agents and to fix their remuneration and term of office, and approve their duties, obligations and securities, and to remove or dismiss all officers; and generally to transact all necessary matters and things connected with the business of the Company; but no contract shall be valid unless made under the seal of the Company and signed by the president or vice-president or one of the Directors, and countersigned by the manager, except the "interim receipt of the Company" which shall be binding upon the Company on such conditions as may be thereon printed by direction of the Board. At all meetings of the Directors, a majority of the whole number of the Board shall be a quorum; and all questions before them shall be decided by a majority of votes; in case of an equality of votes the president, vice-president or presiding Director shall give the casting vote in addition to his vote as a Director: The Directors may also appoint honorary Directors or local Directors in any city or town in which the Company transacts business, with such duties and powers as they may deem proper for the supervision of the business of the Company in such places; but no person shall be qualified to be elected a Director unless he holds ten shares, nor as local Director unless he holds five shares in the stock of the Company, whereon the calls made shall have been paid. 15 20 25 30 35 40

Quorum.

Directors to fix rates of insurance.

8. The Board shall fix the rates at, and rules and conditions under which, the Company's policies and certificates shall be issued, sold or re-purchased, and shall have charge of the investment of the funds of the Company: Provided, that no tentative certificates shall be issued until ten thousand dollars are actually paid in, and no policy of insurance shall be issued until twenty thousand dollars of such capital stock is paid in and invested. 45 50

Investments.

It shall be lawful for the Company to invest its funds in the debentures, stocks, or other securities of the Dominion of Canada, or of the Province of Ontario, or in municipal debentures, or in the debentures of any school section, or in the stock of any chartered or incorporated bank of the Dominion, or in the 55

- stocks, bonds or debentures of any of the building societies, or societies formed under the Acts relating to building societies in the Province of Ontario, the security of real estate or mortgage thereon, or in any loans collaterally secured by any of the above securities, or by assignment of its own policies, and may hold such real estate as shall have been *bona fide* mortgaged to it by way of security or conveyed to it in satisfaction of debts or judgments recovered : Provided that all such real estate shall be sold within ten years from the time of its becoming absolute property of the Company ; and to facilitate the investment of money the Company may lend upon mortgage of real estate, or otherwise, sums repayable by successive instalments combining principal and interest ; and although the Company may not hold for its own purposes longer than ten years any real estate, other than the buildings in which its offices in various places may be, which it is hereby declared it may hold and possess, it may hold in trust for the purposes of tontines as long as the said tontines last, and for seven years thereafter, all manner of property, real or personal, under all such forms of trust as are lawful in the case of individuals. But the business of the Company shall be confined to Life and Accident Insurance, either separate or combined, and the formation and administration of classes of tontines of mutual benefit societies, except that it may insure against fire, persons in respect of whose properties it has an interest, and policies for such insurances may be granted in such manner and on such terms as the Board may direct ; and the sums to be paid for the use of the money on mortgage may in addition to interest be made to include the premiums for such insurances.
9. The Company may establish Mutual Benefit Societies, or may form distinct classes of Life Insurances policy holders on the mutual principle solely, and in such societies or classes the funds belonging thereto shall be held in trust for such societies or classes only, and the same shall not be held liable for any other obligations of, or claim upon the Company, nor shall members of such societies or classes so mutually insured have any claim upon the general assets of the Company ; but the Company may set aside a guarantee fund to assist in forming the said societies or classes, subject to such conditions as to rate of interest or repayment as may be at the time determined by the Board of Directors.
10. The Company shall have power to borrow money on the security of its debentures to an amount not exceeding one half the paid up amount of its capital stock and ten per centum on the amount of the Company's assets, requisite for the re-insurance of the Company's out-standing risks.
11. The shares of the Company shall be transferable by the parties holding the same, according to the by-laws or rules of the Company ; but no share shall be transferred until all calls thereon are paid ; and the transmission of interest in any share of the stock of the Company in consequence of the marriage, insolvency or death of the shareholder, or by any other means than the ordinary transfer, shall be proved and regulated in such form as the Board may from time to time direct ; and in any action for the recovery of calls or arrears of calls it shall be sufficient for the Company to allege and prove that the defend-

Business of
company.

Mutual benefi
societies.

Power to bor-
row money.

Transfer of
shares.

Actions for
calls.

ant, being an owner of shares therein according to the books of the Company, is indebted to the Company in respect of so many shares in the sums due; and at the trial it shall only be necessary to prove that the defendant was owner of shares and that the call was made according to the by-laws or rules of the Company. 5

Head office. 12. The head office of the Company shall be in the City of London, or elsewhere in the Province of Ontario, as may be determined by the shareholders.

Annual meeting. 13. Until otherwise determined by the Board, the books shall be annually balanced, as at the thirty-first day of December once in each year; and within three months from the first day of January a general meeting of shareholders shall be called by the Board, at which a full statement of the Company's affairs shall be submitted, and ten days' notice of such meeting shall be given by advertisement in one newspaper in the place where the head office is, and also by two insertions in the *Ontario Gazette*. 15

Sale of votes. 14. At such general meeting, shareholders shall have one vote for each share on which all calls are paid; and votes may be cast in person or by proxy, but no proxy can vote unless he be a qualified shareholder; the shareholders shall at such meeting appoint directors by ballot, but all other proceedings shall be determined by open vote; but the Company shall not be dissolved by failure to elect directors as above: Corporations holding stock in the Company may be represented at such meetings by the chief executive officer, (one for every ten shares held), and such officers may be appointed directors although they themselves hold no stock in the Company. 25

Special meetings. 15. Special meetings of shareholders may be called by the directors, or on the requisition of shareholders holding one-third of the Company's stock; and ten days notice of such special meetings stating the objects for which they are called, shall be sent to each shareholder by mail: Lists of the shareholders shall be at all times accessible to any of them. 30 35

Company to make annual return to the Legislature. 16. The Company shall annually within fourteen days after the meeting of the Legislature of the Province of Ontario, make a return of the amount of the capital stock subscribed and paid in, the assets and liabilities of the company in detail; the amount of cash actually received for, premiums and from all other sources; the amount of cash paid for claims for lapsed or surrendered policies; for commissions; and all other expenditures; and the amount required to re-insure all out-standing risks, stating the table of mortality and the rate of interest on which such calculation is based. 40 45

An Act to authorize the Churchwardens of St. Paul's Church, Lindsay, with the consent of the incorporated Synod of the Diocese of Toronto, to sell certain lands in the Town of Lindsay.

WHEREAS, the incumbent and churchwardens of St. Paul's Church, in the Town of Lindsay, have petitioned for an Act to authorize the sale and conveyance of lots numbers twenty and twenty-one, north of Francis Street in the Town of Lindsay, granted by the Crown for a burial ground, and which lands are not required and have not been used for that purpose ; And whereas, several years ago by a resolution of the vestry of said St. Paul's Church, it was agreed that said lands be sold to the Reverend John Vicars, for two hundred dollars, who has paid said purchase money and built a dwelling-house thereon, and expended large sums of money in improving said lands, and it is desirable to carry out said agreement ;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. The Churchwardens of St. Paul's Church, Lindsay, with the consent of the incorporated Synod of the diocese of Toronto, shall have full power and authority to sell and absolutely dispose of said lands to the Reverend John Vicars, and any conveyance thereof executed by said parties purporting to be an absolute conveyance of said lands, shall vest said lands in the said grantee.

Churchwarden
may convey
lands.

BILL.

An Act to authorize the Churchwardens of St. Paul's Church, Lindsay, with the consent of the incorporated Synod of the Diocese of Toronto, to sell certain lands in the Town of Lindsay.

1st Reading, 18th February, 1874.

PRIVATE BILL.

Mr. WOOD.

TORONTO:

PRINTED BY HUNTER, ROSE & CO.

An Act amending Acts relating to the Credit Valley
Railway Company.

WHEREAS, the Credit Valley Railway Company have by Preamble.
their petition set out, that for the sake of convenience
and economy, both of time and money, they found it necessary
to grant to their president, George Laidlaw, Esquire, a general
5 power of attorney, bearing date the fifth day of November, in
the year of our Lord one thousand eight hundred and seventy-
three, authorizing him to do for them, and in their name, all
such acts, and to enter into all such agreements as to him
should seem meet and proper in and about the construction
10 and completion of the said railway : And whereas the said com-
pany have petitioned that it should be declared that the said
power of attorney and all agreements made, or to be made un-
der it, are and shall be good, valid, and binding instruments :
And whereas, the said company have also petitioned that an
15 Act may be passed extending the powers conferred on the said
company, and for other purposes, and it is expedient to grant
the prayer of the said petition :

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
20 as follows :—

1. The power of attorney granted to George Laidlaw, Esquire, Power of at-
torney to G
Laidlaw le-
galized.
by the Credit Valley Railway Company, and dated the fifth
day of November, in the year of our Lord one thousand eight
hundred and seventy-three, is hereby declared to be, and shall
25 be good, valid and binding.

2. The by-laws passed by the County Councils of Oxford, By-laws of
Oxford, &c.,
legalized.
Waterloo and Wellington, respectively, granting bonuses to the
said company, and all debentures issued, or that may hereafter
be issued under the said by-laws, are, and the same are hereby
30 made legal, valid, and binding upon the respective corporations
of Wellington, Waterloo and Oxford.

3. The agreement entered into by the company, with the Agreement
with Corpora-
tion of Wel-
lington le-
galized.
Municipal Corporation of the County of Wellington, to expend
the proceeds of the debentures to be issued by the Corporation
35 of the County of Wellington on work done in the construction
of the said railway from the junction point, near Bellfountain,
or the Forks of the River Credit, and Elora, or Salem, and be-
tween Alton and Orangeville, *pro rata* per mile over the whole
mileage of the said lines, between the said respective points on
40 the certificate of the chief engineer, to be given in the manner
provided for in the act of incorporation of the said company,
and providing that no portion of the proceeds of the said de-

bentures shall be paid out by the trustees for, or in respect of the construction of any other portion of the said railway, or for any other purpose whatsoever, is hereby made and declared to be a good, valid, and binding agreement, and the trustees of such moneys are hereby authorized and empowered to expend the proceeds of the said debentures to be issued as aforesaid, in accordance with the terms of the said agreement. 5

35 V., c. 47,
s. 3, amended

4. The third section of the Act passed in the thirty-fifth year of the reign of Her Majesty Queen Victoria, and chaptered forty-seven, is hereby amended, by inserting the words, and indemnify the said company against any loss, harm, or damage which may happen, or from any claims which may arise in consequence of their grading, using, or occupying the said highways," immediately after the word "municipality," and before the words "and whether" in the fourth line of the said section. 10 15

Certain payments of the Company may be made in paid up stock.

5. The directors of the company elected by the shareholders may, with the sanction of the shareholders already given, or to be given, make and issue as paid-up stock, stock in the said company, whether now subscribed for or not, and may allot and hand over such stock as paid-up stock, and the mortgage bonds of the company in payment of rights of way, plant, rolling stock, or materials of any kind, and also for the services of contractors, engineers, and other persons, whether directors or not, who may have been, are, or may be engaged in promoting the undertaking and interests of the company: Provided, that any allowance to directors shall have been made or confirmed by resolution of the shareholders. 20 25

36 V., c. 80,
s. 6, amended.

6. The sixth section of the Act passed in the thirty-sixth year of the reign of Her Majesty Queen Victoria, chaptered eighty, is hereby amended, by adding to the said section the following words: "but no such directors shall in any way be responsible or liable for, or in respect of the stock, bonds, bills, notes, credits, and financial affairs of the said company, but the exclusive right to control, and deal with the stock, bonds, bills, notes, credits and financial affairs of the said company, shall belong to and rest with the directors elected by the shareholders." 30 35

Increase of stock confirmed.

7. The increase of the capital stock of the said company to the sum of five hundred thousand dollars, heretofore made by the said company, and assented to by the shareholders therein, is hereby confirmed. 40

No. 77.]

BILL.

[1874.

An Act to extend the time for the completion of the Sandwich and Windsor Passenger Railway.

WHEREAS the Sandwich and Windsor Passenger Railway Company have petitioned for an extension of the time granted by their Act of incorporation for completion of their road, and the allowance of such extension of time is expedient ;

Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. The period within which the said road and its extension to Walkerville, provided for by the Act of Incorporation of the said Company, was to have been completed, shall be, and the same is hereby declared to be, two years from and after the period limited by their said Act of Incorporation ; and the said Act of Incorporation shall be read as if the time for completion of the road and extension had been four years, and not two years from the passing of the said Act of Incorporation.

Time for completion of road extended.

BILL.

An Act to extend the time for the completion of the Sandwich and Windsor Passenger Railway.

First Reading, 13th February, 1874.

(*PRIVATE BILL.*)

MR. A. PRINCE.

TORONTO:

PRINTED BY HUNTER, ROSE & CO.

No. 78.]

BILL.

[1874.

An Act respecting a Concession Line in the Township of Sandwich East, in the County of Essex.

WHEREAS, the Municipal Council of the Corporation of Sandwich East, in the County of Essex, and the parties interested in the road hereinafter mentioned, have petitioned that the line of road, in rear of the third concession of the said township, shall be defined by statute, and have shown sufficient reason for legislation in the premises ;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly, of the Province of Ontario, enacts as follows :—

- 10 1. The line of the road in rear of the third concession of the township of Sandwich East, parish of L'Assumption, in the county of Essex, of this Province, shall be, and is hereby declared to be the line which was surveyed and laid down and marked by stone monuments, by Frederick L. Foster, provincial land surveyor, under authority and by direction of the Commissioner of Crown Lands, in manner shown and described in and by his report and plan of survey of the said line, dated fourteenth June, eighteen hundred and seventy, confirmed by the said Commissioner, and filed in the Department of Crown Lands.
- 15
- 20 2. This Act shall not in any way affect the rights of owners of real estate, except in so far as applies to the land occupied by the said road.

Preamble.

F. L. Foster's
line in 3rd
concession
Sandwich
West con-
firmed.

Effect of Act
on owners of
land.

BILL

An Act respecting a Concession Line in
Sandwich East, County of Essex.

First Reading, 13th February, 1874.

(PRIVATE BILL.)

MR. PRINCE

TORONTO:

Printed by HUNTER, ROSE & Co.

An Act to incorporate the Belleville and North Hastings Railway Company.

WHEREAS, the construction of a Railway, from some point on the Grand Junction Railway between Wall-bridge's Mills, and the Village of Stirling, in the County of Hastings, to the Village of Madoc, or some point in the vicinity thereof, and thence to the Seymour Iron Mine, in the Township of Madoc, and thence to the Free Grant Districts, in the rear part of the said County of Hastings, has become necessary for the development of the resources of the County of Hastings, and the country adjacent to that County:

Preamble.

10 Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Henry C. Lloyd, A. F. Wood, Hon. Lewis Wallbridge, James Brown, M.P., McKenzie Bowell, M.P., Thos. Kelso, R. S. Patterson, N. B. Falkiner, S. B. Burdett, Thomas Emo, James Archibald, Edmund D. O'Flynn, Peter Vankleek, E. Mills, Henry Hogan, B. Furniss, S. B. Mower, J. B. Crosby, Robert Duff, W. L. Forsyth, T. Judah, Duncan Robertson, M. Tait, C. Bouthillier, R. Kane, Dr. G. H. Boulter, M.P.P., and Jas. Urquhart, together with such persons and corporations, as shall in pursuance of this Act, become shareholders of the said company hereby incorporated, are hereby constituted and declared to be a body corporate and politic by the name of "The Belleville and North Hastings Railway Company."

Incorporation.

Corporate name.

2. The several clauses of the Railway Act of the consolidated Statutes of Canada, and amendments with respect to the first, second, third, fourth, fifth and sixth clauses thereof, and also the several clauses thereof, with respect to "interpretation," "incorporation," "powers," "plans and surveys," "lands and their valuation," "highways and bridges," "fences," "tolls," "general meetings," "president and directors, their election and duties," "calls," "shares and their transfer," "municipalities," "shareholders," "actions for indemnity and fines, and penalties, and their prosecution," "by-laws, notices, &c.," working of the railway," and "general provisions," shall be incorporated with, and be deemed to be a part of this Act, and shall apply to the said company and to the railway to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof; and the expression "this Act," when used herein, shall be understood to include the clauses of the said Railway Act, so incorporated with this Act.

Certain clauses of the Railway Act to apply.

Meaning of words "this Act."

3. The said company shall have full power, under this Act, to construct a railway from any point on the Grand Junction

Location of line.

Railway, between Wallbridge's Mills, and the Village of Stirling in the County of Hastings, to the Village of Madoc, or some point in the vicinity thereof, and thence to the Seymour Iron Mine, in the Township of Madoc, and thence to the Free Grant Districts, in the rear part of the said County of Hastings, with full power to pass over any portion of the country between the points aforesaid, and to carry the said railway through the crown lands lying between the points aforesaid; the said company may fix any place in the Township of Madoc, as the terminus of their railway, and shall not be bound to construct their railway to the free grant districts, but may hereafter, within the time hereby limited, whensoever they shall deem expedient, extend or construct their railway to the free grant districts.

Gauge. 4. The gage of the said railway shall be not less than three feet six inches, but may be made wider in the discretion of the directors of the said railway.

Form of conveyances. 5. Conveyances of lands to the said company for the purposes of this Act may be made in the form set out in the schedule "A." hereunder written, or to the like effect, and such conveyances shall be registered by duplicates thereof, in such manner, and upon such proof of execution as is required under the Registry Laws of Ontario; and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries, and certificates thereof, and certificate endorsed on the duplicate thereof.

Provisional directors. 6. From and after the passing of this Act, the said Henry C. Lloyd, A. F. Wood, Hon. Lewis Wallbridge, Jas. Brown, M.P., Thos. Kelso, R. S. Patterson, N. B. Falkner, S. B. Burdett, Thos. Emo, Jas. Archibald, Edmund D. O'Flynn, Peter Vankleek, E. Mills, Henry Hogan, B. Furniss, S. B. Mower, J. B. Crosby, Robt. Duff, W. L. Forsyth, T. Judah, Duncan Robertson, M. Tait, C. Bouthillier, R. Kane, Dr. G. H. Boulter, M.P.P., and Jas. Urquhart, shall be the provisional directors of the said company.

Powers of provisional directors. 7. The said provisional directors, until others shall be named, as hereinafter provided, shall constitute the board of directors of the company, with power to fill vacancies occurring thereon, to associate with themselves thereon not more than three other persons, who, upon being so named, shall become and be provisional directors of the company equally with themselves, to open stock books, to make a call upon the shares subscribed therein; to call a meeting of the subscribers thereto, for the election of other directors, as hereinafter provided; and with all such other powers, as under the Railway Act, are vested in such board.

Capital stock. 8. The capital of the company hereby incorporated shall be three hundred thousand dollars, (with power to increase the same in the manner provided by the Railway Act.) to be divided into six thousand shares of fifty dollars each, and shall be raised by the persons and corporations who may become shareholders in such company, and the money so raised shall be applied, in the first place, to the payment and discharge of all fees, expenses and disbursements for procuring the passage of this Act, and

Application of money.

for making the surveys, plans and estimates connected with the works hereby authorized; and all the remainder of such money shall be applied to the making equipment and completion of the said railway, and the other purposes of this Act, and
 5 to no other purpose whatever; and until such preliminary expenses shall be paid out of the said capital stock, the municipality of any County, Town, Township or Village, on the line of such works, may pay out of the general funds of such municipality, its fair proportion of such preliminary
 10 expenses, which shall hereafter be refunded to such municipality from the capital stock of the company, or be allowed to is in payment of stock.

9. On the subscription for shares of the said capital stock each subscriber shall pay forthwith to the directors for the purposes set out in this Act, ten per centum of the amount subscribed by him, and the said directors shall deposit the same in some chartered bank to the credit of the said company. Ten per cent. of the stock to be paid up.

10. Thereafter calls may be made by the directors for the time being as they shall see fit, provided that no call shall be
 20 made at any one time of more than ten per centum of the amount subscribed by each subscriber. Future calls.

11. The said provisional directors or the elected directors may pay or agree to pay in paid up stock or in the bonds of the said company such sums as they may deem expedient to
 25 engineers or contractors, or for right of way, or material, plant, or rolling stock, and also for the services of the promoters or other persons who may be employed by the directors for the purpose of assisting the directors in the furtherance of the undertaking or purchase of right of way, material, plant, or
 30 rolling stock, whether such promoters or other persons be provisional or elected directors or not, and any agreement so made shall be binding on the company. Directors may make certain payments in paid up stock or in bonds.

12. As soon as shares to the amount of thirty thousand dollars of the capital stock of the said company shall have been
 35 subscribed, and ten per centum thereof paid into some chartered bank having an office in the County of Hastings, which shall on no account be withdrawn therefrom unless for the service of the company, the directors shall call a general meeting of the subscribers to the said capital stock, who shall have so
 40 paid up ten per centum thereof for the purpose of electing directors to the said company. General meeting for the purpose of election of directors.

13. From the date of the first general meeting hereinafter mentioned, during the construction of the said railway, it shall be lawful for the directors to pay to the shareholders interest
 45 at a rate not exceeding seven per centum on the amount of the stock paid up, the same to be charged against the capital of the company as and deemed to be a part of the expenses of the construction of the said railway; such interest to be paid half-yearly from the date of the said first general meeting. Shareholders may receive interest to be charged against the capital.

50 14. It shall be lawful for the provisional or elected directors to accept payment in full for stock from any subscriber thereof, at the time of subscription thereof, or at any time before the making of a final call thereon, and to allow such percentage Directors may accept payment in full of stock.

or discount thereon as they may deem expedient and reasonable, and thereupon to issue to each subscriber scrip to the full amount of such stock subscribed.

How meeting may be called if provisional directors neglect to call the same.

15. In case the provisional directors neglect to call such meeting for the space of three months after such amount of the capital stock shall have been subscribed, and ten per cent thereof so paid up, the same may be called by any five of the subscribers who shall have so paid up ten per centum, and who are subscribers among them for not less than five hundred dollars of the said capital stock, and who have paid up all calls thereon.

Notice of general meeting. Election of directors.

16. In either case notice of the time and place of holding such general meeting shall be given in the *Ontario Gazette*, and in one local newspaper once in each week, for the space of at least four weeks, and such meeting shall be held in the County of Hastings, at such place therein and on such day as may be named by such notice: At such general meeting the subscribers for the capital stock assembled who shall have so paid ten per centum thereof, with such proxies as may be present shall choose seven persons to be the directors of the said company, and may also make or pass such rules and regulations and by-laws as may be deemed expedient, provided they be not inconsistent with this Act.

Annual meetings.

17. Thereafter the general annual meeting of the shareholders of the said company shall be held in such place in the County of Hastings, and on such days and on such hours as may be directed by the by-laws of the said company, and public notice thereof shall be given at least four weeks previously in the *Ontario Gazette*, and in one local newspaper once in each week.

Special general meetings.

18. Special general meetings of the shareholders of the said company may be held at such places in the County of Hastings, and at such times, and in such manner, and for such purposes as may be provided by the by-laws of the said company.

Scale of votes.

19. Every shareholder of one or more shares of the said capital stock shall, at any general meeting of the shareholders be entitled to one vote for every share held by him, provided that no one shareholder shall be entitled to more than one hundred votes at any meeting, notwithstanding the amount of shares held by him; and no shareholder shall be entitled to vote on any matter whatever unless all calls due on the stock upon which such shareholder seeks to vote shall have been paid up at least one week before the day appointed for such meeting.

Qualification of directors.

20. No person shall be qualified to be elected as such director by the shareholders unless he be a shareholder holding at least ten shares of stock in the company, and unless he has paid up all calls due thereon.

Quorum of directors.

21. Any meeting of the directors of the said company regularly summoned, at which not less than four directors shall be present, shall be competent to exercise and use all and every of the powers hereby invested in the said directors.

22. And it shall further be lawful for any municipality or municipalities, or any county municipality, or any portion of any such municipality or municipalities, or county municipality which may be interested in securing the construction of the said railway, or through any part of which or near which the railway or works of the said company shall pass or be situated, to aid and assist the said company by loaning or guaranteeing, or giving money by way of bonus or other means to the company, or issuing municipal bonds to or in aid of the company, and otherwise in such manner and to such extent as such municipalities or any of them shall think expedient: Provided always that no such aid, loan, bonus, or guarantee shall be given, except after the passing of by-laws for the purpose, and the adoption of such by-laws by the ratepayers as provided in the Municipal Act for the creation of debt.

Municipalities may aid by bonus.

23. In case twenty persons, at least, rated on the last revised assessment roll of any municipality as freeholders, who may be qualified voters under the Municipal Act, do petition the council of such municipality, and in such petition expressing the desire of the said petitioners to aid in the construction of the said railway, by giving a bonus to the said company, and stating the amount which they so desire to grant and be assessed for, the council of such municipality shall within six weeks after the receipt of such petition, introduce a by-law, and submit the same to the vote of the qualified voters; and in case aid is desired from any portion of a township municipality, if at least twenty of the persons who are qualified voters as aforesaid in any portion of the said township municipality, do petition the council of such municipality to pass a by-law in such petition defining the metes and bounds within which the property of the petitioners is situate, and expressing the desire of the said petitioners to aid in the construction of the said railway, by granting a bonus to the said company, and stating the amount which they so desire to grant and be assessed for, the council of such municipality shall within six weeks after the receipt of such petition introduce the requisite by-law, and submit the same to the approval of the qualified voters of the said portion of such municipality; and in case aid is desired from any county municipality, upon the petition of at least fifty persons who are qualified voters in each such county municipality; and in case aid is desired from any portion of a county municipality, upon the petition of at least twenty persons, qualified voters from each minor municipality, or the portion thereof to be affected by the by-law as the case may be, or upon the petition of the majority of the reeves and deputy reeves of such county municipality as reside in the said portion from which aid is desired; and in case of a portion of a county do in such petition define the municipality or municipalities within such county municipality, and the metes and bounds of the portion or portions of the municipality or municipalities forming the portion of the county municipality that may be asked to grant aid, and in either case in such petition expressing the desire of the said petitioners to aid in the construction of the said railway by granting a bonus to the said company, and stating the amount which they so desire to grant and be assessed for, the council of the county municipality shall, within six weeks after the receipt of such petition, introduce the requisite by-law and submit the same to the vote of the qualified voters of the county

Aid from municipalities.

or of the portion of the county defined in the said petition, as the case may be, in the same manner and to the same effect as if they had introduced the same of their own motion; and upon any such petition being presented to the warden or other head of any county, or the reeve, mayor, or other head of any other municipality, he shall forthwith call a meeting of the council of such municipality to be held within four weeks thereafter, for the purpose of introducing such by-law, and submitting the same to the vote of the qualified voters. 5

Aid from minor municipalities.

24. The said aid and assistance, by the loaning or guaranteeing, or giving of money by way of bonus or other means, or the issuing of municipal bonds for the purposes and in the manner set out in this Act, may be given to the said company by any portion of a county municipality, whether the metes and bounds of such portion of a county municipality as set forth in the by-law for granting such aid, be the metes and bounds of minor municipalities, or be so defined as to comprise a minor municipality, or minor municipalities and portions of minor municipalities, or to comprise only portions of minor municipalities, and in case of a portion of a minor municipality granting such aid, then the debentures to be issued shall be those of such minor municipality, and in case of portions of a county municipality as aforesaid, then such debentures shall be those of the county municipality. 10 15 20

Interpretation of the words "minor municipalities"

25. It is declared that the words "minor municipality" herein, mean and are to be read and construed as "Town, Village, or Township." 25

Council may submit by-law without petition.

26. The proper council may under this Act, of their own motion and without any previous petition therefor, submit the requisite by-law in that behalf for the approval of the qualified voters of the municipality, or portion of the municipality to be affected thereby. 30

By-law to be passed by the Council.

27. In case such by-law be approved or carried by the majority of the votes given thereon, then within one month after the date of such voting, the said council shall read the said by-law a third time and pass the same. 35

Council to issue debentures.

28. Within one month after the passing of such by-law, the said council, and the warden, mayor, reeve, or other head thereof, and the other officers thereof, shall issue the debentures for the bonus thereby granted, and deliver the same to the trustees appointed or to be appointed under this Act. 40

Rate to be levied only on the part of municipality granting bonus.

29. In case any bonus be so granted by a portion of a municipality or county municipality, the rate to be levied for payment of the debentures issued therefor, and the interest thereon shall be assessed and levied upon such portion only of the municipality or county municipality. 45

Municipal Act to apply to by-laws.

30. The provisions of the Municipal Act so far as the same are not inconsistent with this Act, shall apply to any by-law so passed by or for a portion of a municipality or county municipality, to the same extent as if the same had been passed by or for the whole municipality or county municipality. 50

31. All by-laws to be submitted to such vote for granting bonuses to the said company, not requiring the levying of a greater annual rate than three cents in the dollar of the ratable property affected thereby, shall be valid, although the amount of the annual rate to be levied in pursuance thereof shall exceed two cents in the dollar.

By-laws to be valid, though the annual rate exceed two cents in the dollar.

32. Any municipality which shall grant a bonus of not less than thirty thousand dollars in aid of the said company, shall be entitled to name a director in the said company as the representative of such municipality; and such directors shall be in addition to all shareholders directors in the said company, and shall not require to be a shareholder in the company, and shall continue in office as a director in the said company until his successor shall be appointed by the municipality which he represents.

Certain municipalities aiding may appoint a director.

33. It shall further be lawful for the corporation of any municipality through any part of which the railway of the said company passes or is situate, by by-law especially passed for that purpose, to exempt the said company and its property within such municipality, either in whole or in part from municipal assessment or taxation, or to agree to a certain sum per annum or otherwise in gross or by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years.

Exemption of company from taxation.

34. Whenever any municipality shall grant a bonus to aid the said company in the making, equipping and completion of the said railway, the debentures therefor shall within six weeks after the passing of the by-law authorizing the same, be delivered to three trustees, namely, Thomas Wells, Frederick E. Seymour, and one to be named by the Lieutenant-Governor in Council; provided that if the Lieutenant-Governor in Council shall refuse or neglect to name such trustee within one month after notice in writing to him requiring him to appoint such trustee, the said company shall be at liberty to name one in the place of the one to have been named by the said Lieutenant-Governor in Council.

Trustees of debentures.

35. Any of the said trustees may be removed and a new trustee appointed in his place at any time, by the Lieutenant-Governor in Council, with the consent of the said company; and in case any trustee die or resign his trust, or go to live out of Ontario, or otherwise become incapable to act, his trusteeship shall become vacant, and a new trustee may be appointed by the Lieutenant-Governor in Council, with the consent of said company.

Appointment of new trustees.

36. The act of any two such trustees shall be as valid and binding as if the three had agreed.

Act of two trustees to be binding.

37. The said trustees shall receive the said debentures in trust: firstly to convert the same into money; second to deposit the amount realized from the sale of such debentures in some chartered bank having an office in the County of Hastings, in the name of the "Belleville and North Hastings Railway Mu-

Trusts on which debentures to be held.

municipal Trust account," and to pay the same out to the said corporation from time to time, on the certificate of the chief engineer of the said railway, in the form set out in schedule "B" hereto, or to the like effect, setting out the portion of the railway to which the money to be paid out is to be applied, and the total amount to be expended on such portion to the date of the certificate, and that the sum so certified does not exceed the *pro rata* amount per mile for the length of the road or portion of the road to be applied on the work so done, and such certificates to be attached to the cheques to be drawn by the said trustees, and the wrongfully granting any such certificate by such engineer, shall be punishable by a fine of not less than one thousand dollars, recoverable in any court of competent jurisdiction in the Province of Ontario, and imprisonment in the discretion of the court. 5 10 15

Counties may
issue debentures
instead
of townships.

38. Any county in which is or are situated a township or townships or portion of a township that shall grant a bonus or bonuses in aid of the said company, shall be at liberty to take the debentures issued by such township or townships or portion of a township, and in exchange therefor to hand over to the trustees under this Act the debentures of the county, on a resolution being passed to that effect by a majority of the county council.

Issue of bonds
by the com-
pany.

39. The directors of the said company after the sanction of the shareholders shall have first been obtained at any special general meeting to be called from time to time for such purpose, shall have power to issue bonds to any amount not exceeding twelve thousand dollars per mile of railway, to be signed by the president or vice-president of the said company and countersigned by the secretary and treasurer, and under the seal of the said company, for the purpose of raising money for prosecuting the said undertaking; and such bonds shall without registration or formal conveyance be taken and considered to be first and preferential claims and charges upon the said undertaking and the property of the company real and personal then existing, and at any time thereafter acquired; and each holder of the said bonds shall be deemed to be a mortgagee and incumbrancer *pro rata* with all the other holders thereof upon the undertaking, and the property of the company as aforesaid: And provided also further, that in the event at any time of the interest upon the said bonds remaining unpaid and owing then at the next ensuing general annual meeting of the said company, all holders of bonds shall have and possess the same rights and privileges and qualifications for directors and for voting as are attached to shareholders, provided that the bonds and any transfers thereof shall have been first registered in the same manner as is provided for the registration of shares; and it shall be the duty of the secretary of the company to register the same on being required to do so by any holder thereof. 25 30 35 40 45 50

Rights of
bondholders
at annual
meetings.

Securities may
be payable to
bearer.

40. All such bonds, debentures, mortgages, and other securities and coupons, and interest warrants thereon respectively, may be made payable to bearer, and transferable by delivery, and any holder of any such so made payable to bearer may sue at law thereon in his own name. 55

41. The said company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars, and any such promissory note made or endorsed by the president or vice-president of the company, and countersigned by the secretary and treasurer of the said company, and under the authority of a quorum of the directors, shall be binding on the said company; and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority, until the contrary be shown; and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange, nor shall the president or vice-president, or secretary and treasurer, be individually responsible for the same unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors, as herein provided and enacted: Provided, however, that nothing in this section shall be construed to authorize the said company to issue any note or bill of exchange payable to bearer, or intended to be circulated as money, or as the notes or bills of a bank.

Company may make promissory notes, etc.

But not to be circulated as money.

42. And whereas doubts may arise as to the extent of the powers conferred by the ninth, tenth, and eleventh sections of chapter sixty-six of the Consolidated Statutes of Canada, and it is expedient to remove the same, be it therefore enacted and declared, that the said company shall have power to acquire or take, hold or alienate lands for borrowing pits, ballast pits and quarries, and for timber, and for branch lines, or other access to any such lands, and also for all other purposes mentioned in or intended by the ninth sub-section of the said ninth section of the said Act, as fully in every respect as they may acquire or take, hold and alienate lands for the purpose of constructing their railway, and it shall not be requisite for such lands to have been shown in the map or plan and book of reference of the said railway; and the manner in which the same may be taken and acquired shall be as provided by the Act passed in the thirty-fifth year of Her Majesty's reign, and chaptered twenty-five.

Power to acquire lands quarries, etc.

43. Whenever it shall be necessary for the purpose of procuring sufficient lands for stations or gravel pits, or for constructing, maintaining and using the said railway, and in case by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price, or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use or enjoy such lands, and also the right of way thereto, if the same be separated from their railway, and to sell and convey the same or part thereof from time to time as they may deem expedient.

Powers as to lands for stations, etc.

44. The said railway company shall all times receive and carry cordwood or any wood for fuel at a rate not to exceed for dry wood three cents per mile per cord from all stations exceeding fifty miles, and at a rate not exceeding three and a half cents per cord per mile from all stations under fifty miles in full car loads, and for green wood at the rate of three cents per ton per mile.

Rates for conveying wood.

Power to make
agreements
with other
lines as to
mining
powers, etc.

45. The company shall have power to enter into and make arrangements with the Grand Junction Railway Company and the Grand Trunk Railway Company for running powers over their roads, for the use of docks, wharves, stations, or for any other purpose that may be in the interest of the Belleville and North Hastings Railway. 5

Commence-
ment and
completion of
railway.

46. The said railway shall be commenced within two years, and completed within four years to the village of Madoc, and within five years to the Seymour Iron Mines, and within ten years to some point in the Free Grant Territory in the northern part of the county of Hastings, after the passing of this Act, or else the charter shall be forfeited as regards so much of the railway not completed. 10

Power to
acquire land
on Bay of
Quinté for
docks, etc.

47. The said company shall have the right to acquire by purchase, or in the same manner that provision is made for acquiring right of way, land sufficient on the Bay of Quinté adjacent to or adjoining the docks at the terminus of the Grand Junction Railway, for the purposes of depositing iron ore, coal, lumber, cordwood and other freight, and the privilege of acquiring water front and constructing wharves and docks on the said Bay of Quinte. 15 20

SCHEDULE "A"

(See Section 5.)

Know all men by these presents, that I (or we) (*insert the name or names of the vendor or vendors*) in consideration of dollars paid to me (or us) by the Belleville and North Hastings Railway Company, the receipt whereof is hereby acknowledged, do grant and convey, and I (or we) (*insert the name of any other party or parties*) in consideration of dollars paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (*or those certain parcels as the case may be*) of land situate (*describe the land*), the same having been selected and laid out by the said company for the purposes of their railway, to hold with the appurtenances unto the said the Belleville and North Hastings Railway Company, their successors and assigns (*here insert any other clauses, covenants or conditions required*); and I (or we) the wife (or wives) of the said do hereby bar my (or our) dower in the said lands.

As witness my (or our) hand and seal (*or hands and seals*) this day of one thousand eight hundred and

Signed, sealed and delivered }
in the presence of }

L. S.

SCHEDULE "B."

(See Section 37.)

CHIEF ENGINEER'S CERTIFICATE.

The Belleville and North Hastings Railway Company's Office,
 Engineer's Department.
 A. D. 18

No.

Certificate to be attached to cheque to be drawn on the Belleville and North Hastings Railway Municipal Trust Account, and given under section of cap. 34th Vic.

I, Chief engineer for the Belleville and North Hastings Railway, do hereby certify that there has been expended in the construction of mile No. the sum of dollars to date, and the total *pro rata* amount due for the same from the said Municipal Trust Account amounts to the sum of dollars, which said sum of dollars is now due and payable as provided under said Act.

3rd Session, 2nd Parliament, 37 Victoria, 1874.

BILL.

An Act to incorporate the Belleville and
North Hastings Railway Company.

First Reading, 16th February, 1874.

Dr. BOULTER.

TORONTO :

PRINTED BY HUNTER, ROSE & CO.

An Act to incorporate the Belleville and North Hastings Railway Company.

WHEREAS, the construction of a Railway, from some point on the Grand Junction Railway between Wall-bridge's Mills, in the Township of Sidney, and the Village of Stirling, to the Village of Madoc, or some point in the vicinity thereof, and thence to the Seymour Iron Mine, in the Township of Madoc, in the County of Hastings, and thence to the Free Grant Districts, in the rear part of the said County of Hastings, has become necessary for the development of the resources of the County of Hastings, and the country adjacent to that County :
 Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Preamble.

1. Henry C. Lloyd, A. F. Wood, Hon. Lewis Wallbridge, James Brown, M.P., McKenzie Bowell, M.P., Thos. Kelso, R. S. Patterson, N. B. Falkiner, S. B. Burdett, Thomas Emo, James Archibald, Edmund D. O'Flynn, Peter Vankleek, E. Mills, Henry Hogan, B. Furniss, S. B. Mower, J. B. Crosby, Robert Duff, W. L. Forsyth, T. Judah, Duncan Robertson, M. Tait, C. Bouthillier, R. Kane, G. H. Boulter, M.P.P., and Jas. Urquhart, together with such persons and corporations, as shall in pursuance of this Act, become shareholders of the said company hereby incorporated, are hereby constituted and declared to be a body corporate and politic by the name of "The Belleville and North Hastings Railway Company."

Incorporation
Corporate
name.

2. The several clauses of the Railway Act of the consolidated Statutes of Canada, and amendments with respect to the first, second, third, fourth, fifth and sixth clauses thereof, and also the several clauses thereof, with respect to "interpretation," "incorporation," "powers," "plans and surveys," "lands and their valuation," "highways and bridges," "fences," "tolls," "general meetings," "president and directors, their election and duties," "calls," "shares and their transfer," "municipalities," "shareholders," "actions for indemnity and fines, and penalties, and their prosecution," "by-laws, notices, &c.," working of the railway," and "general provisions," shall be incorporated with, and be deemed to be a part of this Act, and shall apply to the said company and to the railway to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof; and the expression "this Act," when used herein, shall be understood to include the clauses of the said Railway Act, so incorporated with this Act.

Certain clauses
of the Railway
Act to apply.Meaning of
works "this
Act."

3. The said company shall have full power, under this Act, to construct a railway from any point on the Grand Junction

Location of
line.

Railway, between Wallbridge's Mills, and the Village of Stirling, in the County of Hastings, to the Village of Madoc, or some point in the vicinity thereof, and thence to the Seymour Iron Mine, in the Township of Madoc, and thence to the Free Grant Districts, in the rear part of the said County of Hastings, with full power to pass over any portion of the country between the points aforesaid, and to carry the said railway through the crown lands lying between the points aforesaid; the said company may fix any place in the Township of Madoc, as the terminus of their railway, and shall not be bound to construct their railway to the free grant districts, but may hereafter, within the time hereby limited, whensoever they shall deem expedient, extend or construct their railway to the free grant districts.

Gauge.

4. The gauge of the said railway shall be not less than three feet six inches, but may be made wider in the discretion of the directors of the said railway.

Form of conveyances.

5. Conveyances of lands to the said company for the purposes of this Act may be made in the form set out in the schedule "A." hereunder written, or to the like effect, and such conveyances shall be registered by duplicates thereof, in such manner, and upon such proof of execution as is required under the Registry Laws of Ontario; and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries, and certificates thereof, and certificate endorsed on the duplicate thereof.

Registration.

Provisional directors.

6. From and after the passing of this Act, the said Henry C. Lloyd, A. F. Wood, Hon. Lewis Wallbridge, Jas. Brown, M.P., McKenzie Bowell, M.P., Thomas Kelso, R. S. Patterson, N. B. Falkiner, S. B. Burdett, Thos. Emo, Jas. Archibald, Edmund D. O'Flynn, Peter Vankleek, E. Mills, Henry Hogan, B. Furniss, S. B. Mower, J. B. Crosby, Robt. Duff, W. L. Forsyth, T. Judah, Duncan Robertson, M. Tait, C. Bouthillier, R. Kane, G. H. Boulter, M.P.P., and Jas. Urquhart, shall be the provisional directors of the said company.

Powers of provisional directors.

7. The said provisional directors, until others shall be named, as hereinafter provided, shall constitute the board of directors of the company, with power to fill vacancies occurring thereon, to associate with themselves thereon not more than three other persons, who, upon being so named, shall become and be provisional directors of the company equally with themselves, to open stock books, to make a call upon the shares subscribed therein; to call a meeting of the subscribers thereto, for the election of other directors, as hereinafter provided; and with all such other powers, as under the Railway Act, are vested in such board.

Capital stock.

8. The capital of the company hereby incorporated shall be three hundred thousand dollars, (with power to increase the same in the manner provided by the Railway Act,) to be divided into six thousand shares of fifty dollars each, and shall be raised by the persons and corporations who may become shareholders in such company, and the money so raised shall be applied, in the first place, to the payment and discharge of all fees, expenses and disbursements for procuring the passage of this Act, and

Application of money.

for making the surveys, plans and estimates connected with the works hereby authorized; and all the remainder of such money shall be applied to the making equipment and completion of the said railway, and the other purposes of this Act, and to no other purpose whatever; and until such preliminary expenses shall be paid out of the said capital stock, the municipality of any County, Town, Township or Village, on the line of such works, may pay out of the general funds of such municipality, its fair proportion of such preliminary expenses, which shall hereafter be refunded to such municipality from the capital stock of the company, or be allowed to is in payment of stock.

9. On the subscription for shares of the said capital stock each subscriber shall pay forthwith to the directors for the purposes set out in this Act, ten per centum of the amount subscribed by him, and the said directors shall deposit the same in some chartered bank to the credit of the said company.

Ten per cent.
of the stock to
be paid up.

10. Thereafter calls may be made by the directors for the time being as they shall see fit, provided that no call shall be made at any one time of more than ten per centum of the amount subscribed by each subscriber.

Future calls.

11. The said the directors elected by the shareholders may pay or agree to pay in paid up stock or in the bonds of the said company such sums as they may deem expedient to engineers or contractors, or for right of way, or material, plant, or rolling stock, and also, where sanctioned by a vote of the shareholders at any general meeting, for the services of the promoters or other persons who may be employed by the directors for the purpose of assisting the directors in the furtherance of the undertaking or purchase of right of way, material, plant, or rolling stock, whether such promoters or other persons be provisional directors or not, and any agreement so made shall be binding on the company.

Directors may
make certain
payments in
paid up stock
or in bonds.

12. As soon as shares to the amount of thirty thousand dollars of the capital stock of the said company shall have been subscribed, and ten per centum thereof paid into some chartered bank having an office in the County of Hastings, which shall on no account be withdrawn therefrom unless for the service of the company, the directors shall call a general meeting of the subscribers to the said capital stock, who shall have so paid up ten per centum thereof for the purpose of electing directors to the said company.

General meet-
ing for the
purpose of
election of
directors.

13. From the date of the first general meeting hereinafter mentioned, during the construction of the said railway, it shall be lawful for the directors to pay to the shareholders interest at a rate not exceeding seven per centum on the amount of the stock paid up, the same to be charged against the capital of the company as and deemed to be a part of the expenses of the construction of the said railway; such interest to be paid half-yearly from the date of the said first general meeting.

Shareholders
may receive
interest to be
charged
against the
capital.

14. It shall be lawful for the provisional or elected directors to accept payment in full for stock from any subscriber thereof, at the time of subscription thereof, or at any time before the

Directors may
accept pay-
ment in full
of stock.

making of a final call thereon, and to allow such percentage or discount thereon as they may deem expedient and reasonable, and thereupon to issue to each subscriber scrip to the full amount of such stock subscribed.

How meeting may be called if provisional directors neglect to call the same.

15. In case the provisional directors neglect to call such meeting for the space of three months after such amount of the capital stock shall have been subscribed, and ten per cent thereof so paid up, the same may be called by any five of the subscribers who shall have so paid up ten per centum, and who are subscribers among them for not less than five hundred dollars of the said capital stock, and who have paid up all calls thereon

Notice of general meeting. Election of directors.

16. In either case notice of the time and place of holding such general meeting shall be given in the *Ontario Gazette*, and in one local newspaper once in each week, for the space of at least four weeks, and such meeting shall be held in the County of Hastings, at such place therein and on such day as may be named by such notice: At such general meeting the subscribers for the capital stock assembled who shall have so paid ten per centum thereof, with such proxies as may be present shall choose seven persons to be the directors of the said company, and may also make or pass such rules and regulations and by-laws as may be deemed expedient, provided they be not inconsistent with this Act.

Annual meetings.

17. Thereafter the general annual meeting of the shareholders of the said company shall be held in such place in the County of Hastings, and on such days and on such hours as may be directed by the by-laws of the said company, and public notice thereof shall be given at least four weeks previously in the *Ontario Gazette*, and in one local newspaper once in each week.

Special general meetings.

18. Special general meetings of the shareholders of the said company may be held at such places in the County of Hastings, and at such times, and in such manner, and for such purposes as may be provided by the by-laws of the said company.

Scale of votes.

19. Every shareholder of one or more shares of the said capital stock shall, at any general meeting of the shareholders be entitled to one vote for every share held by him; and no shareholder shall be entitled to vote on any matter whatever unless all calls due on the stock upon which such shareholder seeks to vote shall have been paid up at least one week before the day appointed for such meeting.

Qualification of directors.

20. No person shall be qualified to be elected as such director by the shareholders unless he be a shareholder holding at least ten shares of stock in the company, and unless he has paid up all calls due thereon.

Quorum of directors.

21. Any meeting of the directors of the said company regularly summoned, at which not less than four directors shall be present, shall be competent to exercise and use all and every of the powers hereby invested in the said directors.

Aid to company from Government, &c.

22. The said company may receive from any Government, or from any persons or bodies corporate, municipal or politic, who may have power to make or grant the same, aid towards

the construction, equipment or maintenance of the said railway, by way of bonus, gift, or loan in money, or debentures, or other securities for money, or by way of guarantee, upon such terms and conditions as may be agreed upon.

- 5 **23.** Any municipal corporation, or any portion of a municipality, which may be interested in securing the construction of the said railway, or through any part of which, or near which, the railway or works of the said company shall pass or be situate, may aid the said company by giving money or debentures, 10 by way of bonus, gift, or loan, or by the guarantee of the municipal corporation, under and subject to the provisions hereinafter contained, which are to be taken as applicable thereto, instead of sections four hundred and seventy-two, four hundred and seventy-three and four hundred and seventy-four of the 15 Municipal Institutions Act: Provided always, that no such aid shall be given, except after the passing of a by-law for the purpose, and the adoption of such by-law by the qualified rate-payers of the municipality or portion of municipality, (as the case may be,) as provided in Municipal Act for the creation of 20 debts.

Aid from municipalities.

24. Such by-law shall be submitted by the municipal council to the vote of the rate-payers in manner following, namely:—

Manner of submitting by-laws to rate-payers.

1. The proper petition shall first be presented to the council, expressing the desire to aid the railway, and stating in what 25 way and for what amount, and the council shall within six weeks after the receipt of such petition by the clerk of the municipality introduce a by-law to the effect petitioned for, and submit the same for the approval of the qualified voters;

2. In the case of a county municipality the petition shall be 30 that of a majority of the reeves and deputy reeves, or of twenty resident freeholders in each of the minor municipalities of the county, who are qualified voters under the Municipal Act;

3. In the case of other municipalities, the petition shall be that of a majority of the council thereof, or of twenty resident 35 freeholders being duly qualified voters as aforesaid;

4. In the case of two or more minor municipalities or sections of two or more such municipalities, or of two or more such municipalities with a section or sections of one or more minor municipalities forming part of a county municipality, 40 the petition is to be presented to the county council, describing the portions to be grouped, and defining any section by metes and bounds, and shall be that of a majority of each of the councils of such minor municipalities respectively, or of twenty resident freeholders in each of the said minor municipalities, or sections proposed to be grouped, being duly qualified 45 voters as aforesaid.

- 25.** Where a portion of the county municipality petitions to aid the railway, it shall be such portion only as shall consist of two or more minor municipalities or sections thereof, through 50 which the line of railway is to be constructed, or which will be benefited thereby, and such minor municipalities and sections thereof shall lie contiguous; but no minor municipality or section thereof which is subject to a county or other by-law in aid of the same railway shall be thus grouped without the 55 consent of the majority of the duly qualified voters therein, expressed to that end, when voting upon the proposed by-law.

Aid from portions of county municipalities.

Proceeding on
opposing sub-
mission of by-
law.

26. In case of aid from a county municipality, or from a grouped portion thereof, twenty resident freeholders of the county or portion comprised in the proposed by-law (as the case may be) may petition the county council against submitting the said by-law, upon the ground that certain minor municipalities or portions thereof comprised in the said by-law would be injuriously affected thereby, or upon any other ground ought not to be included therein: and upon deposit by the petitioners with the treasurer of the county of a sum sufficient to defray the expense of such reference, the said council shall forthwith refer the said petition to three arbitrators, one being the judge of the county court, one being the registrar of the county, or of the riding in which the county town is situate, and one being an engineer appointed by the Commissioner of the Department of Public Works, for Ontario, who shall have power to confirm or amend the said by law by excluding any minor municipality or any section thereof therefrom; and the decision of any two of them shall be final; and the by-law so confirmed or amended, shall thereupon at the option of the railway company be submitted by the council to the duly qualified voters; and in case the by-law is confirmed by the arbitrators, the expense of the reference shall be borne by the petitioners against the same, but if amended, then by the railway company, or the county as the arbitrators may order.

Arbitration.

Costs.

Rate to be
levied only on
the part of
municipality
granting
bonus.

27. In the case of a portion of the county municipality being formed into a group, the by-law to be submitted shall be that of the county, but the rate to be levied for payment of the debentures issued thereunder, and the interest thereon, shall be assessed and levied upon such portions only of the county municipality, and the voting thereon shall be limited to the duly qualified voters in such portions only.

Railway to
make deposit
for expenses.

28. Before any such by-law is submitted, the railway company shall deposit with the treasurer of the municipality a sum sufficient to pay the expenses to be incurred in submitting said by-law.

Interpretation
of the words
"minor munici-
pality."

29. The term "minor municipality" shall be construed to mean any town not separated from the municipal county, township, or incorporated village situate in the county municipality.

By-laws to be
valid, though
the annual rate
exceed two
cents in the
dollar.

30. No by-law shall be valid, or shall be submitted to such vote for granting aid to the railway which shall require the levying of a greater aggregate annual rate for all purposes, exclusive of school rates, than three cents in the dollar upon the value of the ratable property in each of the minor municipalities or section affected thereby; but for the purpose of such aid, the amount of the aggregate annual rate to be levied in any such municipality or section, may exceed the two cents in the dollar limited by the Municipal Act.

Provisions of
by law.

31 Such by-law shall in each instance provide:

1. For raising the amount petitioned for in the municipality or portions of the county municipality, (as the case may be,) mentioned in the petition, by the issue of debentures of the county or minor municipality, respectively, and shall also provide for the delivery of the said debentures, or the application of the amount to be raised thereby, as may be expressed in the said by-law.

2. For assessing and levying upon all ratable property lying within the municipality or portions of the county municipality defined in said by-law (as the case may be) an annual special rate sufficient to include a sinking fund for the repayment of the said debentures, within twenty years, with interest thereon, payable yearly or half-yearly, or by equal annual instalments of principal and interest; which debentures the respective municipal councils, warden, reeves, and other officers thereof are hereby authorized to execute and issue in such cases respectively: Provided, that in case the sum raised under the authority of such by-law is invested in the capital stock or bonds of the railway company or loaned thereon, the council of the municipality holding such stock or bonds may sell and dispose of the same or any part thereof, and shall in any such case apply the moneys received therefor in payment of the said debentures and interest.

32. In case the by-law submitted is not approved of, no other by-law which is in substance the same shall be submitted to the voters of the same municipality or portions of the county municipality, until after the expiration of six months from such rejection.

If by-law defeated limit of time for submitting similar by-law.

33. In case the by-law submitted be approved of or carried by a majority of the votes given thereon, then within four weeks after the date of such voting, the municipal council which submitted the same, shall read the said by-law a third time and pass the same.

If by-law carried, council to pass the same.

34. Within one month after the passing of such by-law, the said council, and the warden, reeve, or other officers thereof shall issue or dispose of the debentures necessary to raise the sum mentioned in such by-law, and otherwise act according to the terms thereof.

and issue the debentures.

35. The corporation of any county municipality shall be at liberty to take the debentures issued by any township in aid of the railway company, and give in exchange therefor to the said township, a like amount of the debentures of the said county, on a resolution to that effect being passed by the county council, but the township municipality shall in such case keep the county municipality fully indemnified against any rate or liability in respect of said debentures.

Corporation may exchange their debentures for those of the townships.

36. Whenever any municipality or portion of a county municipality shall grant aid by way of bonus or gift to the railway company, the debentures therefor, shall within six months after passing of the by-law authorizing the same, be delivered to three trustees to be named, one by the Lieutenant-Governor in Council, one by the said company, and one by the majority of the heads of the municipalities which have granted bonuses; all of the trustees to be residents of the Province of Ontario: Provided that if the said Council shall refuse or neglect to name such trustee, or if the Lieutenant-Governor in Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustees, the company shall be at liberty to name such other trustee or other trustees; any of the said trustees may be removed and a new trustee appointed in his place at any time, by the Lieutenant-

Trustees for municipal debentures.

Governor in Council, with the consent of the said company; and in case any trustee die, or resign his trust, or go to live out of Ontario, or otherwise become incapable to act, his trusteeship shall become vacant, and a new trustee may be appointed by the Lieutenant-Governor in Council, with the consent of said company. 5

Trusts in which debentures are to be held.

37. The said trustees shall receive the said debentures or bonds in trust: firstly, under the direction of the company, to convert the same into money; secondly to deposit the amount realized from the sale in some of the chartered banks, having 10 an office in this Province, in the name of "The Belleville and North Hastings Railway Municipal Trust Account," and to pay the same out to the said company from time to time, on the certificate of the chief engineer of the said railway, in the form set out in schedule "B" hereto, or to the like effect setting out the 15 portion of the railway to which the money to be paid out is to be applied, and that the sum so certified for, is in pursuance of the terms and conditions of the by-law, and such certificate is to be attached to the cheques to be drawn by the said trustees; and such engineer shall not wrongfully grant any such certifi- 20 cate under penalty of one hundred dollars, recoverable in any county court by any person who may sue therefor.

Trustees fees, act of two govern.

38. The trustees shall be entitled to their reasonable fees and charges from said trust fund; and the act of any two of such trustees to be as valid and binding as if the three had 25 agreed.

Municipal directors.

39. Any municipality which shall grant a bonus of not less than fifty thousand dollars in aid of the said company may stipulate that it shall be entitled to name a director in the said company as the representative of such municipality; and such 30 director shall be in addition to the directors elected by the shareholders, and shall not be required to be a shareholder in the company, and shall continue in office as a director in the said company until his successor shall be appointed by the municipality which he represents. 35

Company may receive gifts of lands.

40. Any municipality through which the said railway may pass is empowered to grant by way of gift to the said company any lands belonging to such municipality, which may be required for right of way, station grounds, or other purposes connected with the running or traffic of the said railway; and the 40 said railway company shall have power to accept gifts of land from any Government or any person or body politic or corporate, and shall have power to sell or otherwise dispose of the same for the benefit of the said company.

Municipalities may exempt company from taxation.

41. It shall further be lawful for the council of any municipality in which any part of the railway of the company is situate, by by-law specially passed for that purpose, to exempt the said company and its property, within such municipality, either in whole or in part, from municipal assessment of taxa- 50 tion, or to agree to a certain sum per annum or otherwise, in gross or by way of commutation or composition for payment or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not 55

exceeding twenty-one years; and any such by-law shall not be repealed, unless in conformity with a condition contained therein.

42. It shall and may be lawful for the council of any municipality that may grant a bonus to the company, and they shall have full power to extend the time for completion of the works, on the completion of which the said company would be entitled to such bonuses. Council may extend time.

13. It shall be lawful for the council of any township or county municipality interested in the said extension branches, or any of them, and without complying with the requirements of any Act providing for the creation of debts by municipal corporations on behalf of such township or county municipalities, to bear all, or part of the costs, charges, and expenses of, and incidental to, the submission of any by-law to the said qualified voters for granting a bonus to the said company, or may give the said company a bonus on account of such costs, charges and expenses, provided always that no one such bonus shall exceed five thousand dollars. Councils may contribute towards preliminary expenses.

44. Whenever any municipality or portion of a municipality shall aid, loan, guarantee or, give money or bonds by way of bonds, to aid the making, equipment, and completion of said extension and branches, or any part or parts thereof, it shall be lawful for the said company to enter into a valid agreement with any such municipality binding the said company to expend the whole of such aid so given upon works of construction, within the limits of the municipality granting the same. Municipalities may agree as to application of bonus.

45. The directors of the said company after the sanction of the shareholders shall have first been obtained at any special general meeting to be called from time to time for such purpose, shall have power to issue bonds to any amount not exceeding twelve thousand dollars per mile of railway, to be signed by the president or vice-president of the said company and countersigned by the secretary and treasurer, and under the seal of the said company, for the purpose of raising money for prosecuting the said undertaking; and such bonds shall without registration or formal conveyance be taken and considered to be first and preferential claims and charges upon the said undertaking and the property of the company real and personal then existing, and at any time thereafter acquired; and each holder of the said bonds shall be deemed to be a mortgagee and incumbrancer *pro rata* with all the other holders thereof upon the undertaking, and the property of the company as aforesaid: And provided also further, that in the event at any time of the interest upon the said bonds remaining unpaid and owing then at the next ensuing general annual meeting of the said company, all holders of bonds shall have and possess the same rights and privileges and qualifications for directors and for voting as are attached to shareholders, provided that the bonds and any transfers thereof shall have been first registered in the same manner as is provided for the registration of shares; and it shall be the duty of the secretary of the company to register the same on being required to do so by any holder thereof. Issue of bonds by the company. Rights of bondholders at annual meetings.

Securities may
be payable to
bearer.

46. All such bonds, debentures, mortgages, and other securities and coupons, and interest warrants thereon respectively, may be made payable to bearer, and transferable by delivery, and any holder of any such so made payable to bearer may sue at law thereon in his own name.

5

Company may
make promissory
notes, etc.

47. The said company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars, and any such promissory note made or endorsed by the president or vice-president of the company, and countersigned by the secretary and treasurer of the said company, and under the authority of a quorum of the directors, shall be binding on the said company; and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority, until the contrary be shown; and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange, nor shall the president or vice-president, or secretary and treasurer, be individually responsible for the same unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors, as herein provided and enacted: Provided, however, that nothing in this section shall be construed to authorize the said company to issue any note or bill of exchange payable to bearer, or intended to be circulated as money, or as the notes or bills of a bank.

25

But not to be
circulated as
money.

Power to acquire
lands for
quarries, etc.

48. And whereas doubts may arise as to the extent of the powers conferred by the ninth, tenth, and eleventh sections of chapter sixty-six of the Consolidated Statutes of Canada, and it is expedient to remove the same, be it therefore enacted and declared, that the said company shall have power to acquire or take, hold or alienate lands for borrowing pits, ballast pits and quarries, and for branch lines, or other access to any such lands, and also for all other purposes mentioned in or intended by the ninth sub-section of the said ninth section of the said Act, as fully in every respect as they may acquire or take, hold and alienate lands for the purpose of constructing their railway, and it shall not be requisite for such lands to have been shown in the map or plan and book of reference of the said railway; and the manner in which the same may be taken and acquired shall be as provided by the Act passed in the thirty-fifth year of Her Majesty's reign, and chaptered twenty-five.

Powers as to
lands for stations,
etc.

49. Whenever it shall be necessary for the purpose of procuring sufficient lands for stations or gravel pits, or for constructing, maintaining and using the said railway, and in case by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price, or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use or enjoy such lands, and also the right of way there- to, if the same be separated from their railway, and to sell and convey the same or part thereof from time to time as they may deem expedient.

Power to make
agreements
with other

50. The company shall have power to enter into and make arrangements with the Grand Junction Railway Company and

55

the Grand Trunk Railway Company for running powers over their roads, for the use of docks, wharves, stations, or for any other purpose that may be in the interest of the Belleville and North Hastings Railway. lines as to mining powers, etc.

- 5 **51.** The said railway shall be commenced within two years, and completed within four years to the village of Madoc, and within five years to the Seymour Iron Mines, and within ten years to some point in the Free Grant Territory in the northern part of the county of Hastings, after the passing of this Act, or
 10 else the charter shall be forfeited as regards so much of the railway not completed. Commencement and completion of railway.

- 52.** The said company shall have the right to acquire by purchase, or in the same manner that provision is made for acquiring right of way, land sufficient on the Bay of Quinté adjacent to or adjoining the docks at the terminus of the Grand
 15 Junction Railway, for the purposes of depositing iron ore, coal, lumber, cordwood and other freight, and the privilege of acquiring water front and constructing wharves and docks on the said Bay of Quinte. Power to acquire land on Bay of Quinté for docks, etc.

SCHEDULE A.

(See Section 5.)

Know all men by these presents, that I (or we) (*insert the name or names of the vendor or vendors*) in consideration of dollars paid to me (or us) by the Belleville and North Hastings Railway Company, the receipt whereof is hereby acknowledged, do grant and convey, and I (or we) (*insert the name of any other party or parties*) in consideration of dollars paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (*or those certain parcels as the case may be*) of land situate (*describe the land*), the same having been selected and laid out by the said company for the purposes of their railway, to hold with the appurtenances unto the said the Belleville and North Hastings Railway Company, their successors and assigns (*here insert any other clauses, covenants or conditions required*); and I (or we) the wife (or wives) of the said
 do hereby bar my (or our) dower in the said lands.

As witness my (or our) hand and seal (*or hands and seals*)
 this day of one thousand eight hundred
 and

Signed, sealed and delivered }
 in the presence of }

L. S.

SCHEDULE B.

(Section 38.)

CHIEF ENGINEER'S CERTIFICATE.

THE BELLEVILLE AND NORTH HASTINGS RAILWAY COMPANY'S
OFFICE,

ENGINEER'S DEPARTMENT, A.D. 18

No.

*Certificate to be attached to cheques drawn on the Belleville and
North Hastings Railway Municipal Trust Account.*

I, _____, chief engineer for the Belleville and
North Hastings Railway Company, do hereby certify that the
sum of \$ _____ is required to be expended in the construc-
tion of the portion of the line extending from mile No. _____
to mile No. _____, and that payment should be made to the
company of such amount from the Municipal Trust Account, the
same being in pursuance of the terms and conditions of the By-
law of the Municipality of the _____ of _____

3rd Session, 2nd Parliament, 37 Victoria, 1874.

BILL.

An Act to incorporate the Belleville and
North Hastings Railway Company.

(Re-printed as amended.)

First Reading, 16th February, 1874.

2nd Reading, 12th March, 1874.

Mr. CORBY.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act to legalize and confirm the sale and conveyances of certain lands in the Township of East Whitby, and County of Ontario, heretofore effected and made by the Trustees of the Oshawa congregation of the Canada Presbyterian Church, formerly constituting the United Presbyterian Church of Whitby, to the Rev. R. H. Thornton, D.D.

WHEREAS, the Trustees and Members of the Oshawa congregation of the Canada Presbyterian Church, formerly constituting the United Presbyterian Church of Whitby have by their Petition set out that by indenture, dated the thirteenth day of September, eighteen hundred and forty-eight, one Robert Spears conveyed to the then trustees of the said church certain lands, being part of the south half of lot number sixteen, in the second concession of the Township of Whitby, in the County of Ontario, described as follows:

10 Commencing at the south-west angle of the said lot, and running thence north seventy-four degrees east four chains twenty-seven and a half links; then north sixteen degrees west five chains; then north seventy-four degrees east twelve links; then north sixteen degrees west twenty chains, more or less, to the centre of the said south half; then south seventy-four degrees west four chains thirty-nine and a half links to the western limit of the said lot; then south sixteen degrees east twenty-five chains, more or less, to the place of beginning, in trust for the use of the said congregation, in pursuance of the

20 statutes in such case made and provided; and that the said congregation not requiring the whole of the said lands, subsequently agreed to sell, and did sell, to the Reverend Robert Hill Thornton, D.D., of the Township of East Whitby, in the County aforesaid, part thereof described as follows: Commencing on the

25 western limit of the said lot at the distance of ten chains and sixty-six links from the south-west angle thereof; thence north sixteen degrees west fourteen chains and thirty-four links, more or less, to the centre of the south half of the said lot; thence north seventy-four degrees east four chains and thirty-nine and

30 one half links; thence south sixteen degrees east twenty chains, more or less, to a point situate five chains from the southern boundary of the said lot; thence south seventy-four degrees west twelve links; thence south sixteen degrees east five chains, more or less, to the said southern boundary; thence south

35 seventy-four degrees west thirty-nine and one half links; thence north sixteen degrees west ten chains and sixty-six links; thence south seventy-four degrees west three chains and eighty-eight links, more or less, to the place of beginning; and that the trustees for the time being of the said congregation had by two

Preamble.

several indentures of conveyance, bearing date respectively the third day of May, eighteen hundred and sixty-seven, and the twenty-first day of March, eighteen hundred and seventy-three, purported to convey the last mentioned lands to the said Robert Hill Thornton in two separate parcels, the two parcels together 5 composing the lands so sold as aforesaid and lastly above described; and it appearing that the said trustees in making such sale and conveyances acted in good faith and for the benefit of the said congregation, though unaware of the manner of proceeding to make sale of lands so held by them, provided by 10 the sixty-ninth chapter of the Consolidated Statutes for Upper Canada, and the amendments thereto; and that they the said trustees and the said congregation are desirous of having the said sale and conveyances declared as valid and effectual to pass such estate and interest to the said purchaser to all intents 15 and purposes, as if such sale and conveyances had been made by the said trustees under the said sixty-ninth chapter of the Consolidated Statutes for Upper Canada, intituled "An Act respecting the property of religious institutions in Upper Canada," and the amendments thereto: And whereas it is expedient 20 that the prayer of the said petition should be granted;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Certain conveyances to R. H. Thornton declared valid.

1. The said above recited sale to the said Reverend Robert 25 Hill Thornton, and the said conveyances by the said trustees for the time being of the said lastly above described portion of land shall be, and the same is, and are hereby declared to be as valid and effectual to pass to the said Reverend Robert Hill Thornton, his heirs and assigns, such and the same interest in 30 the said lands so sold and conveyed to him as aforesaid as would have passed had such sales been made and conveyances effected to the said Reverend Robert Hill Thornton, in compliance with the provisions of the aforesaid the sixty-ninth chapter of the Consolidated Statutes for Upper Canada, intituled "An Act 35 respecting the property of religious institutions in Upper Canada," and the amendments thereto.

Conveyances to have no greater effect than if made under C. S. U. C., c. 69.

2. Nothing in this Act contained shall give, or is intended to give, or confer any other or greater force or effect to the said sale and conveyances than if the said sale and conveyances had 40 been so effected and made under the provisions of chapter sixty-nine of the Consolidated Statutes for Upper Canada, and the amendments thereto.

BILL,

An Act to legalize and confirm the sale of certain lands in the Township of Whitby, and County of Ontario, heretofore effected and made by the Trustees of the Oshawa congregation of Canada Presbyterian Church, forming constituting the United Presbyterian Church of Whitby, to the Rev. R. Thornton, D.D.

1st Reading, 16th February, 1874.

(PRIVATE BILL.)

MT. FAREWELL

TORONTO:

PRINTED BY HUNTER, ROSE & CO.

An Act to separate lots seven and eight in the first and second concessions of the Township of East Whitby from the Village of Oshawa, and to annex the same to the Township of East Whitby.

WHEREAS the owners of lots seven and eight in the first and second concessions of the Township of East Whitby, in the County of Ontario, have, by their petition, set forth: that the said lots lie entirely within the municipality of Oshawa; that the same are not divided into village or park lots: that the said lots are used exclusively for agricultural purposes; that, on account of lying within the limits of the said Village of Oshawa, the taxes on the said lands are oppressive; and that the said lands ought to be detached from the said village, in order to a reduction of taxes thereon: And whereas it is right and proper that the prayer of the said petition be granted: Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

15 **1.** Upon, from and after the first day of January next, after the passing of this Act, the said lots seven and eight in the first and second concessions of the said Township of East Whitby shall be separated from the said Village of Oshawa, and attached to and form part of the municipality of the Township of East
20 Whitby, and also form part of the School Section number one in the said township.

Certain lots separated from Oshawa.

2. The said lots and the respective owners thereof shall be held liable to the corporation of the said village for a fair and reasonable share or proportion of all the debts of the said vil-
25 lage corporation which may be found to exist on the first day of January next, except such debts as may have been, or may be created to aid manufacturing companies in the said village; such reasonable share or proportion, in the event of disagreement by the proprietors of the said lots and the said corpora-
30 tion, shall be determined by arbitration in the same manner as provided between two municipalities by the Act respecting municipal institutions in the Province of Ontario; the owners of the said lots to have the same powers, and be subject to the same liabilities, as a municipal corporation, with reference to a
35 case of arbitration between two municipal corporations.

Lots to be charged with proportion of debts due on 1st January next.

BILL.

An Act to separate lots seven and eight in the first and second concessions of the Township of East Whitby from the Village of Oshawa, and to annex the same to the Township of East Whitby.

First Reading, 16th February, 1874.

(*PRIVATE BILL.*)

Mr. FARWELL.

TORONTO :

PRINTED BY HUNTER, ROSE & Co.

An Act to amend the Act incorporating the Port
Whitby and Port Perry Railway Company.

WHEREAS the Port Whitby and Port Perry Railway Preamble.

Company have prayed for certain amendments to the Act passed in the thirty-first year of Her Majesty's reign, chaptered forty-two, and the Act passed in the thirty-second year of Her Majesty's reign, chaptered sixty, and the Act passed in the thirty-third year of Her Majesty's reign, and chaptered thirty-nine, and the Act passed in the thirty-fourth year of Her Majesty's reign, and chaptered fifty, and the Act passed in the thirty-fifth year of Her Majesty's reign, and chaptered fifty-six, and to change the name of the company and for further corporate powers.

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. The name of the Company shall be the "The Ontario and Pacific Railway of Canada," and not the Port Whitby and Port Perry Railway Company, provided always that nothing herein contained shall be construed to make the said Corporation a new Corporation, or to make void or impair the effect of any proceeding, deed, instrument, or writing, in which the said Company shall be designated by its former name, but such proceeding, deed, instrument, or writing shall and may hereafter be continued, construed, and have effect as if the name hereby assigned to the Corporation had been assigned to it by the Act incorporating the Company, and was inserted in such proceeding, deed, instrument, or writing, instead of the name therein used. Name changed

2. All the real and personal property, shares or stock obligations, debts, rights, claims, and privileges of the said Company shall be and are hereby transferred to and vested in the said The Ontario and Pacific Railway of Canada, and all the shareholders in the said Company shall be shareholders for like amounts and with like rights in the Ontario and Pacific Railway of Canada, but all legal proceedings heretofore regularly begun by or against the Company, may be continued under the name or style of cause in which they have been instituted, for the benefit of, or against the said The Ontario and Pacific Railway of Canada. All property vested in Ontario and Pacific Railway

3. The General Annual Meeting of the shareholders of the said Company shall be held at such place in the town of Whitby, and at such days and hours as may be directed by the by-laws of the Company. General Meeting.

Special
Meeting.

4. Special General Meetings of the shareholders of the Company may be held at such times and places and in such manner and for such purposes as may be provided by the by-laws of the Company: the directors of their own motion, are hereby authorized to cause special general meetings of the shareholders of the Company to be held at the town of Whitby, or such other place or places as the shareholders by by-law appoint, on such days and times as the directors appoint.

Notice of
calling
meetings.

5. Public notice of the holding of the general annual meetings and special general meetings of the shareholders shall be given at least fourteen days previously, in the *Ontario Gazette*, and one or more newspapers published in the County of Ontario.

Shareholders'
power to make
by-laws.

6. The shareholders shall have power from time to time to regulate by by-law the qualification and number of directors, and the quorum thereof, the times and proceedings for the election of directors in case of a failure of any election on the day appointed for it, the remuneration of the president, vice-president, managing and other directors, the closing of the transfer book during a certain time not to exceed fifteen days before the payment of each dividend.

Directors last
elected con-
tinue till next
election.

7. The Directors of the Company elected at the last general meeting of the shareholders of the Company, shall continue to, and be the directors of the Company until the election of their successors, at the time appointed by the shareholders by by-law for that purpose, and the directors at such meeting elected shall be the Directors of the Company for the then current year, and till the election of their successors.

Failure to
election does
not dissolve
Corporation.

8. In case it would happen that an election of directors should not be made on any day when it ought to have been made, the Corporation shall not for that purpose be deemed to be dissolved, but it shall be lawful on any other day to hold and make an election of directors, in such manner as shall have been provided by the by-laws of the shareholders in that behalf, and the directors then in office shall remain so until a new election shall have been made.

Transfer of
stock.

9. No transfer of any share of the capital stock of the Company shall be binding or valid until entered in the books of the Company, according to such form as the directors shall from time to time appoint and determine upon, and without the consent of the directors no transfer shall be made of any share not paid up in full: Provided always that no shareholder indebted to the Company shall be permitted to vote, transfer, or receive a dividend in respect of any share on which there is any overdue and unpaid call, and provided that the original subscribers, or future transferors or transferees, shall not be personally liable to the Company or to the creditors thereof, for any unpaid parts of such shares after a *bona fide* transfer thereof, registered in the Company's books.

Running ar-
rangements.

10. The company shall have power to make running arrangements with, or lease any part of any railway lines now or hereafter constructed in the Province of Ontario, situate on the lines hereby authorized to be constructed, or crossing or con-

necting with the same upon terms, to be approved of by a majority of the shareholders at a special general meeting to be held for that purpose in accordance with this Act: and without such approval no other Company shall have power to lay
5 down rails on, or run trains or cars over the Company's line.

11. The company shall have full power under this Act, to **Extensions.**
extend their railway from some point at or near the town of
Whitby, to some other points at or near the village of Oshawa
10 and to the Oshawa harbour, to deep navigable waters, and also
to extend their line from some point in or near the village of
Port Perry to some point in or near the village of Beaverton,
and thence to or near to the village of Gravenhurst, and thence
to or near to the mouth of the Muskoka River, and from a
15 point at or near to the said village of Gravenhurst to the
French River, and also to construct a branch from some point
on their line in or near the village of Port Perry to the village
of Uxbridge, and also to construct a branch from a point in its
line or in the line hereby authorized, in or near the township of
20 Reach to the town of Lindsay, and thence to the village of
Fenelon Falls, and thence to the village of Haliburton, and
also to build one or more branches from some point within or
near to the town of Whitby, to some other point or points
within or near to the Whitby Harbour, and to deep navigable
25 waters of Lake Ontario, with full powers to pass over any por-
tion of the country between the points aforesaid, and to carry
the Railway through the Crown Lands lying between the
points aforesaid, and also to acquire at or near the Oshawa
Harbour and Whitby Harbour, such lands, wharves, piers and
30 other works, and to construct thereat such wharves, piers,
elevators or other works, as the company may require, and the
several clauses of "The Railway Act," which by the second
section of the Act to incorporate the Port Whitby and Port
Perry Railway Company, passed in the thirty-first year of Her
35 Majesty's reign, and chaptered XLII, are incorporated with
that Act, and all and every the powers conferred by the said
last mentioned Act, and the said recited Acts amending the
same shall be taken, held and construed to apply to each and
every extension and branch line, hereby authorised to be con-
40 structed, as fully and effectually as if such extension and branch
lines had been specially authorized in and by the said Act,
chaptered XLII, and the said recited Acts amending the same.

12. It shall be lawful for any municipality or municipalities
or any county municipality or county municipalities, or any
45 portion of any such municipality or municipalities, or county
municipality or county municipalities which may be interested
in the construction of the said extension or branches, or any of
them, or through or near which such extension branches or any
of them may pass, and whether the metes and bounds of such
50 portion of a county municipality as set forth in the by-law for
granting aid and assistance as hereby authorized, be the metes
and bounds of townships, or be so defined as to comprise a town-
ship or townships, and portion of township, or only portions of
townships, to aid and assist the said company by loaning or
25 guaranteeing or giving money by way of bonuses or other
means to the company, or issuing municipal bonds to or in aid
of the company, and otherwise in such manner and to such
extent as such municipalities or any of them or the portions of

**Municipalities
may grant
bonuses.**

any such county or township municipalities or any of them shall think expedient, and in case of portions of a township municipality granting such aid, then the debentures to be issued shall be those of such township municipality, and in case of a portion of a county municipality granting such aid, then such debentures to be issued shall be those of the county municipality, and the proper council may of their own motion and without any previous petition therefor, submit the requisite by-law in that behalf for the approval of the qualified voters of the municipality or portion of the municipality to be affected thereby, and provided that no such aid, loan, bonus or guarantee shall be given, except after the passing of by-laws for the purpose, and the adoption of such by-laws by the rate-payers as provided by law for the creation of debts, under the provisions of "The Municipal Act," and any amendments, thereof.

Trustees of
bonuses.

13. Whenever any municipality shall grant a bonus to aid the said company in the making, equipping and construction of the said extension and branches, or any of them, the debentures therefor shall within six weeks after the passing of the by-law, authorizing the same, be delivered to three trustees, namely Peleg Howland, John Hall Thompson, and one to be named by the Lieutenant-Governor in Council, provided that if the Lieutenant-Governor in Council shall refuse or neglect to name such trustee within one month after notice in writing, requiring him to appoint such trustee, the said company shall be at liberty to name one in the place of the one to have been named by said Lieutenant-Governor in Council.

Change of
trustees.

14. Any of the said trustees may be removed, and a new trustee appointed in his stead at any time by the Lieutenant-Governor in Council, with the consent of the company; and in case any trustee die or resign his trust, or go to live out of the Province of Ontario, or become incapable to act, his trusteeship shall become vacant, and a new trustee may be appointed by the Lieutenant-Governor in Council, with the consent of the said company.

Act of two
trustees
binding.

15. The act of any two such trustees shall be as valid and binding as if the three had agreed.

How bonuses
to be ex-
pended.

16. The said trustees shall receive the said debentures in trust, and first to convert the same into money, secondly, to deposit the amount realized from the sale of such debentures in some of the chartered banks in Ontario, to the credit of the Ontario and Pacific Railway of Canada, and to pay the same out to the company from time to time on the certificate of the Chief Engineer of the said Railway, in the form set out in Schedule "A." hereto, or to the like effect, setting out the portion of the railway to which the money to be paid out is to be applied, and the total amount expended on such portion to the date of the certificate, and that the sum so certified does not exceed the *pro rata* amount per mile for the length of the road, or portion of the road, to be applied on the work so done, and such certificate shall be attached to the cheques to be drawn by the said trustees, and the wrongfully granting any such certificate by such engineer shall be punishable by a fine of not less than one thousand dollars recoverable in any court of competent jurisdiction in the Province of Ontario, and imprisonment in the discretion of the court.

17. That it shall be lawful for the trustees, if the Company require them to do so, to expend all the bonuses to be granted by the Village of Oshawa, and the Township of East Whitby, or either of them, on the branch hereby authorized to be constructed to Oshawa. Branch to Oshawa.

18. In the absence of an agreement by the Company to the contrary it shall be lawful for the trustees, if the Company require them to do so, to expend all the bonuses to be granted by the Township of Uxbridge and Scott, and Village of Uxbridge, or any of them, on the branch by this Act authorized to be constructed to the Village of Uxbridge. Uxbridge Branch.

19. In the absence of an agreement by the Company to the contrary, it shall be lawful for the trustees if the Company require them so to do, to expend all the bonuses which may be granted by all or any municipality or municipalities, or portion of municipality or municipalities, in the Counties of Victoria and Peterborough, or either of them, on the branch by this Act authorized to be constructed to Haliburton, and if the municipalities lying northward of Fenelon Falls decline to grant the required bonuses, it shall be lawful for the trustees, if the Company required them to do so, to expend on the branch to Fenelon Falls all those bonuses which would have been expended on the branch if extended to Haliburton, if the municipalities northward of Fenelon Falls had granted the required bonuses. Bonuses to be expended on Haliburton Branch.

20. In the absence of an agreement by the Company to the contrary, it shall be lawful for the trustees, if the Company require them so to do, to expend all bonuses to be granted by any municipality or municipalities, or any county municipality or county municipalities, or any portion of such municipality or municipalities, or county municipality or municipalities, lying southerly of the Township of Morrison, other than bonuses which the Company have agreed to expend otherwise, on the extension of the Railway as far as the said Township of Morrison, and to apply all bonuses to be granted by municipalities lying northerly of the Township of Rama, on the extension northerly of the Township of Rama. Bonuses to be expended in Ontario and northerly.

21. In case fifty persons at least, rated on the last revised assessment roll of any municipality as freeholders, who may be qualified voters under the Municipal Act, do petition the council of such municipality, and in such petition expressing the desire of the said petitioners to aid in the construction of the said Railway by giving a bonus to the said Company, and stating the amount which they so desire to grant and be assessed for, the council of such municipality shall within six weeks after the receipt of such petition, introduce a by-law, and submit the same to the vote of the qualified voters, and in case aid is desired from any portion of a township municipality, if at least fifty of the persons who are qualified voters as aforesaid in any portion of the said township municipality, do petition the council of such municipality to pass a by-law, in such petition defining the metes and bounds within which the property of the petitioners is situate, and expressing the desire of the said petitioners to aid in the construction of the said Railway, by granting a bonus to the said Company, and stating the amount which they so desire to grant and be assessed for, the council of such municipality shall within six weeks after the receipt of By-laws to be passed by municipalities.

such petition, introduce the requisite by-law, and submit the same to the approval of the qualified voters of the said portion of such municipality, and in case aid is desired from any county municipality, upon the petition of at least fifty persons, who are qualified voters in each such county municipality, and in case aid is desired from any portion of a municipality upon the petition of at least twenty persons, qualified voters from each minor municipality, or the portion thereof to be affected by the by-law, as the case may be, or upon the petition of the majority of the reeves and deputy reeves of such municipality as reside in the said portion from which aid is desired; and in the case of a portion of a county do, in such petition, define the municipality or municipalities within such county municipality, and the metes and bounds of the portion or portions of the municipality forming the portion of the county municipality, that may be asked to grant aid, and in either case in such petition expressing the desire of the said petitioners to aid in the construction of the said Railway by granting a bonus to the said Company, and stating the amount which they so desire to grant and be assessed for, the council of such county municipality shall, within six weeks after the receipt of such petition, introduce the requisite by-law, and submit the same to the vote of the qualified voters of the county or of a portion of the county defined in the said petition, as the case may be, in the same manner and to the same effect as if they had introduced the same of their own motion, and upon any such petition being presented to the warden or other head of any county, or the reeve, mayor or other head of any other municipality, he shall forthwith call a meeting of the council of such municipality, to be held within four weeks thereafter, for the purpose of introducing such by-law and submitting the same to the vote of the qualified voters; And any such by-law or by-laws may be submitted, for raising the amount so petitioned to be granted by the issue of debentures payable within twenty years or earlier: And the 17th section, and subsections one and two of said section 17 of the said Act of Incorporation, and Chapter 42, are to be read as modified by the foregoing provisions of this Act.

Council may
extend time.

22. It shall and may be lawful for the council of any municipality that may grant a bonus to the company, and they shall have full power to extend the time for completion of the works on the completion of which the said company would be entitled to such bonuses.

Councils may
contribute
towards
preliminary
expenses

23. It shall be lawful for the council of any township or county municipality interested in the said extension branches, or any of them, and without complying with the requirements of any Act providing for the creation of debts by municipal corporations on behalf of such township or county municipalities, to bear all, or part of the costs, charges and expenses of, and incidental to the submission of any by-law to the said qualified voters for granting a bonus to the said company, or may give the said company a bonus on account of such costs, charges and expenses, provided always that no one such bonus shall exceed five thousand dollars.

Municipalities
may agree as
to application
of bonus.

24. Whenever any municipality or portion of a municipality shall aid, loan, guarantee or give money or bonds by way of bonus to aid the making, equipment and completion of said ex-

tension and branches, or any part or parts thereof, it shall be lawful for the said company to enter into a valid agreement with any such municipality binding the said company to expend the whole of such aid so given upon works of construction.
 2 within the limits of the municipality granting the same.

25. It shall be lawful for the corporation of any municipality through any part of which the said railway, or any branch or part thereof, passes, or is situated, by by-law especially, passed for that purpose, to exempt the said company and its property within such municipality, either in whole or in part for municipal assessment, or taxation, or to agree to a certain sum per annum, or otherwise in gross or by way of commutation or composition for payment, or in lieu of all or any municipal rates, or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient.

Municipalities may exempt railway from taxation.

26. It shall be lawful for the directors of the company for the time being, and they are hereby empowered to issue from time to time as occasion may require, for the purposes of the company bonds, debentures, mortgage bonds, or other securities to any amount, executed by the president or vice-president for the time being, of the company, and countersigned by the secretary, and may be payable to bearer in London, England, or elsewhere, as the directors think expedient, and the same may be assignable by delivery, but the amount so allowed to be issued, together with the amount already issued, shall not exceed fifteen thousand dollars per mile of the said railway, already constructed from Port Whitby to Port Perry, and such bonds, debentures, mortgage bonds and other securities, including those already issued, shall, without registration or formal conveyance, taken and considered to be first, and preferential claims and charges upon the railway and property of the railway company, in and from Port Whitby, to and in Port Perry, and it shall be lawful for the directors of the company for the time being, and they are hereby empowered to issue from time to time as occasion may require, other bonds, debentures, mortgage bonds and other securities to any amount, executed, payable, and assignable in manner aforesaid, for the purpose of raising money for prosecuting the said extension and branches hereby authorized to be constructed, and such last mentioned bonds, debentures, mortgage bonds, and other securities shall, without registration or final conveyance be taken and considered to be first and preferential claims and charges upon the said extension and branches, but the amount thereof when issued shall not exceed twelve thousand dollars per mile, when constructed of such last mentioned extension and branches and the 23rd ; and 24th section of the said Act of incorporation chapter 42, and the first section of the Act passed in the 32nd year of Her Majesty's reign, and chaptered 60, amending said Act of incorporation, are to read as modified by the foregoing provisions of this Act.

Company may issue bonds.

27. The said company may from time to time for advances of money to be made thereon, mortgage or pledge any bonds, debentures or mortgage securities which under the provision of this Act can be issued from the construction of said extension, branches, or any of them.

Company may pledge bonds.

Company may
acquire
vessels.

28. The said company shall have power to purchase, build, fit out, complete and charter sell or dispose of work, control, and keep in repair steam tugs, barks, steam boats, and other vessels to ply in connection with the said railway, and to purchase and hold woodlands for the use of the company, and sell such lands when the directors think proper. 5

SCHEDULE "A."

THE ONTARIO AND PACIFIC RAILWAY OF CANADA.

ENGINEER'S DEPARTMENT.

Certificate to be attached to cheques drawn on the Ontario and Pacific Railway of Canada Municipal Trust Account and given under section of Cap. 36 Vic.

I Chief Engineer for the Ontario and Pacific Railway of Canada do hereby certify that there has been expended in the construction of mile No the said mile being numbered consecutively from the sum of dollars to date, and that the total *pro rata* amount due for the same from the said Municipal Trust account amounts to which said sum of is now due and payable, as provided under said Act.

No. 83.

3rd Session, 2nd Parliament, 37 Vict. 1874.

BILL.

An Act to amend the Act incorporating the Port Whiby and Port Perry Railway Company.

First Reading 16th February, 1874.

(PRIVATE BILL.)

Mr. FARWELL.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act to amend the Act incorporating the Port
Whitby and Port Perry Railway Company.

WHEREAS the Port Whitby and Port Perry Railway Company have prayed for certain amendments to the Act passed in the thirty-first year of Her Majesty's reign, chaptered forty-two, and the Act passed in the thirty-second year of Her Majesty's reign, chaptered sixty, and the Act passed in the thirty-third year of Her Majesty's reign, and chaptered thirty-nine, and the Act passed in the thirty-fourth year of Her Majesty's reign, and chaptered fifty, and the Act passed in the thirty-fifth year of Her Majesty's reign, and chaptered fifty-six, and to change the name of the company and for further corporate powers:

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

15 **1.** The name of the Company shall be the "The Whitby and Port Perry Extension Railway Company," and not the Port Whitby and Port Perry Railway Company; provided always that nothing herein contained shall be construed to make the said Corporation a new Corporation, or to make void or impair
20 the effect of any proceeding, deed, instrument, or writing, in which the said Company shall be designated by its former name, but such proceeding, deed, instrument, or writing shall and may hereafter be continued, construed, and have effect as if the name hereby assigned to the Corporation had been assigned to it by the
25 Act incorporating the Company, and was inserted in such proceeding, deed, instrument, or writing, instead of the name therein used.

2. All the real and personal property, shares or stock obligations, debts, rights, claims, and privileges of the said Company shall be and are hereby transferred to and vested in the said The Whitby and Port Perry Extension Railway Company, and subject to all the rights or liabilities now affecting the same, and all the shareholders in the said Company shall be shareholders for like amounts and with like rights in the Whitby
35 and Port Perry Extension Railway Company, but all legal proceedings heretofore regularly begun by or against the Company, may be continued under the name or style of cause in which they have been instituted, for the benefit of, or against the said The Whitby and Port Perry Extension Railway Company, and
40 recoverable from any property so vested in it as as aforesaid.

3. The General Annual Meeting of the shareholders of the said Company shall be held at such place in the town of Whitby, and at such days and hours as may be directed by the by-laws of the Company.

Special
Meeting.

4. Special General Meetings of the shareholders of the Company may be held at such times and places and in such manner and for such purposes as may be provided by the by-laws of the Company; the directors of their own motion, are hereby authorized to cause special general meetings of the shareholders of the Company to be held at the town of Whitby, or such other place or places as the shareholders by by-law appoint, on such days and times as the directors appoint. 5

Notice of
coming
meetings.

5. Public notice of the holding of the general annual meetings and special general meetings of the shareholders shall be given at least fourteen days previously, in the *Ontario Gazette*, and one or more newspapers published in the County of Ontario. 10

Shareholders'
power to make
by-laws.

6. The shareholders shall have power from time to time to regulate by by-law the qualification and number of directors, 15 and the quorum thereof, the times and proceedings for the election of directors in case of a failure of any election on the day appointed for it, the remuneration of the president, vice-president, managing and other directors, the closing of the transfer book during a certain time not to exceed fifteen days before the payment of each dividend. 20

Directors last
elected con-
tinue till next
election.

7. The Directors of the Company elected at the last general meeting of the shareholders of the Company, shall continue to, and be the directors of the Company until the election of their successors, at the time appointed by the shareholders by by- 25 law for that purpose, and the directors at such meeting elected shall be the Directors of the Company for the then current year, and till the election of their successors.

Failure to
election does
not dissolve
Corporation.

8. In case it would happen that an election of directors should not be made on any day when it ought to have been made, the 30 Corporation shall not for that purpose be deemed to be dissolved, but it shall be lawful on any other day to hold and make an election of directors, in such manner as shall have been provided by the by-laws of the shareholders in that behalf, and the directors then in office shall remain so until a new election shall 35 have been made.

Transfer of
stock.

9. No transfer of any share of the capital stock of the Company shall be binding or valid until entered in the books of the Company, according to such form as the directors shall from time to time appoint and determine upon: Provided always, 40 that no shareholder shall be permitted to vote, transfer, or receive a dividend in respect of any share on which there is any overdue and unpaid call, and provided that any transferor of stock shall not be personally liable to the Company or to the creditors thereof, for any unpaid parts of such shares after a 45 *bona fide* transfer thereof, registered in the Company's books.

Running ar-
rangements.

10. The company shall have power to make running arrange- 50 ments with, or lease any part of any railway lines now or hereafter constructed or proposed to be constructed in the Province of Ontario, on the lines of route hereby authorized to be constructed, or crossing or connecting with the same upon terms, to be approved of by a two thirds majority of the shareholders present in person or by proxy, at a special general meet-

ing to be held for that purpose in accordance with this Act: and without such approval no other Company shall have power to lay down rails on, or run trains or cars over any part of the the Company's line, now or hereafter constructed.

5 **11.** The company shall have full power under this Act, to extend their railway from some point at or near the town of Whitby, to some other points at or near the village of Oshawa and to the Oshawa harbour, to deep water, and also to extend their line from some point in or near the village of Port Perry
10 to some point in or near the village of Beaverton, and thence to or near to the village of Gravenhurst, and thence to or near to the mouth of the Muskoka River, and from a point at or near to the said village of Gravenhurst to French River and also to construct a branch from some point on their line in or
15 near the village of Port Perry to the village of Uxbridge, and also to construct a branch from a point in its line or in the line hereby authorized, in or near the township of Reach to the town of Lindsay, and thence to the village of Fenelon Falls, and thence to the village of Haliburton, and also to build one or more sidings from some point in or near to the town of Whitby,
20 to some other point or points in or near to Whitby Harbour, and to deep water, and all and every the powers, limitations, and conditions, comprised in the Railway Act, and the Acts amending the same, and conferred by the special Act incorporating the said Port Perry and Port Whitby Railway Company,
25 and Acts amending the same, shall be taken, held and construed to apply to each and every extension and sidings, hereby authorised to be constructed, as fully and effectually as if such extension and branch lines had been specially authorized in and by the said Act, incorporating the said company, and the Acts amending the same.

12. The said company may receive from any Government, or
30 from any persons or bodies corporate, municipal or politic, who may have power to make or grant the same, aid towards the construction, equipment, or maintenance of the said railway, by way of bonus, gift, or loan in money, or debentures, or other securities for money, or by way of guarantee, upon such terms
35 and conditions as may be agreed upon.

13. Any municipal corporation, or any portion of a municipality, which may be interested in securing the construction of the said railway, or through any part of which, or near which, the
40 railway or works of the said company shall pass or be situate, may aid the said company by giving money or debentures, by way of bonus, gift, or loan, or by the guarantee of the municipal corporation, under and subject to the provisions hereinafter contained, which are to be taken as applicable thereto, instead
45 of sections four hundred and seventy-two, four hundred and seventy-three, and four hundred and seventy-four of the Municipal Institutions Act: Provided always that no such aid shall be given, except after the passing of a by-law for the purpose and the adoption of such by-law by the qualified ratepayers of
50 the municipality or portion of municipality, (as the case may be,) as provided in the Municipal Act for the creation of debts.

14. Such by-law shall be submitted by the municipal council to the vote of the ratepayers in manner following, namely:—
1. The proper petition shall first be presented to the council,

Extensions.

Aid to company by government, &c.

Aid from municipalities.

Manner of submitting by-laws.

expressing the desire to aid the railway, and stating in what way and for what amount, and the council shall within six weeks after the receipt of such petition by the clerk of the municipality introduce a by-law to the effect petitioned for, and submit the same for the approval of the qualified voters ;

2. In the case of a county municipality the petition shall be that of a majority of the reeves and deputy reeves, or of twenty resident freeholders in each of the minor municipalities of the county, who are qualified voters under the Municipal Act ;

3. In the case of other municipalities, the petition shall be that of a majority of the council thereof, or of twenty resident freeholders, being duly qualified voters as aforesaid ;

4. In the case of two or more minor municipalities, or sections of two or more such municipalities, or of two or more such municipalities with a section or sections of one or more minor municipalities forming part of a county municipality, the petition is to be presented to the county council, describing the portions to be grouped, and defining any sections by metes and bounds, and shall be that of a majority of each of the councils of such minor municipalities respectively, or of twenty resident freeholders in each of the said minor municipalities, or sections proposed to be grouped, being duly qualified voters as aforesaid.

Aid from portions of county municipalities.

15. Where a portion of the county municipality petitions to aid the railway, it shall be such portion only as shall consist of two or more minor municipalities or sections thereof, through which the line of railway is to be constructed, or which will be benefited thereby, and such minor municipalities and sections thereof shall lie contiguous ; but no minor municipality or section thereof which is subject to a county or other by-law in aid of the same railway, shall be thus grouped without the consent of the majority of the duly qualified voters therein expressed to that end, when voting upon the proposed by-law.

Grouping minor municipalities.

Proceedings on opposing submission of by-law

16. In case of aid from a county municipality, or from a grouped portion thereof, twenty resident freeholders of the county or portion comprised in the proposed by-law (as the case may be) may petition the county council against submitting the said by-law, upon the ground that certain minor municipalities or portions thereof comprised in the said by-law would be injuriously affected thereby, or upon any other ground not to be included therein, and upon deposit by the petitioners with the treasurer of the county of a sum sufficient to defray the expense of such reference, the said council shall forthwith refer the said petition to three arbitrators, one being the judge of the county court, one being the registrar of the county, or of the riding in which the county town is situate, and one being an engineer appointed by the Commissioner of the Department of Public Works for Ontario, who shall have power to confirm or amend the said by-law by excluding any minor municipality or any section thereof therefrom, and the decision of any two of them shall be final ; and the by-law so confirmed or amended, shall thereupon at the option of the railway company be submitted by the council to the duly qualified voters ; and in case the by-law is confirmed by the arbitrators, the expense of the reference shall be borne by the petitioners against the same, but if amended, then by the railway company or the county as the arbitrators may order.

Arbitration.

17. In the case of a portion of the county municipality being formed into a group, the by-law to be submitted shall be that of the county, but the rate to be levied for payment of the debentures issued thereunder, and the interest thereon, shall be assessed 5 and levied upon such portions only of the county municipality, and on the voting thereon shall be limited to the duly qualified voters in such portions only.

Rate to be levied only on the part of municipality granting bonus.

18. Before any such by-law is submitted, the railway company shall deposit with the treasurer of the municipality a sum 10 sufficient to pay the expenses to be incurred in submitting said by-law.

County to make deposit for expenses.

19. The term "minor municipality" shall be constructed to mean any town not separated from the municipal county, town- 15 ship, or incorporated village, situate in the county municipality.

Interpretation of words "minor municipality."

20. No by-law shall be valid, or shall be submitted to such vote for granting aid to the railway which shall require the levying of a greater aggregate annual rate for all purposes, exclusive of school rates, than three cents in the dollar upon the 20 value of the ratable property in each of the minor municipalities or section affected thereby; but for the purpose of such aid, the amount of the aggregate annual rate to be levied in any such municipality or section, may exceed the two cents in the dollar limited by the Municipal Act.

By-laws to be valid, though the annual rate exceed two cents in the dollar.

25 21. Such by-law shall in each instance provide

Provisions of by-law.

(1.) For raising the amount petitioned for in the municipality or portions of the county municipality (as the case may be) mentioned in the petition by the issue of debentures of the county or minor municipality, respectively, and shall also provide 30 for the delivery of the said debentures, or the application of the amount to be raised thereby, as may be expressed in the said by-law.

(2.) For assessing and levying upon all ratable property lying within the municipality or portions of the county municipality 35 defined in said by-law (as the case may be) an annual special rate sufficient to include a sinking fund for the repayment of the said debentures, within twenty years, with interest thereon, payable yearly or half-yearly, or by equal annual instalments of principal and interest, which debentures the respective municipal councils, warden, reeves, and other officers thereof are 40 hereby authorized to execute and issue in such cases respectively: Provided, that in case the sum raised under the authority of such by-law is invested in the capital stock or bonds of the railway company or loaned thereon, the council of the municipality holding such stock or bonds may sell and dispose of 45 the same or any part thereof, and shall in such case apply the moneys received therefor in payment of the said debentures and interest.

22. In case the by-law submitted is not approved of, no other 50 by-law which is in substance the same, shall be submitted to the voters of the same municipality or portions of the county municipality, until after the expiration of six months from such rejection.

If by-law defeated, limit of time for submitting similar one.

If by-law
carried, coun-
cil to pass the
same,

23. In case the by-law submitted be approved of or carried by a majority of the votes given thereon, then within four weeks after the date of such voting, the municipal council which submitted the same, shall read the said by-law a third time and pass the same.

5

and issue the
debentures.

24. Within one month after the passing of such by-law, the said council, and the warden, reeve or other officers thereof, shall issue or dispose of the debentures necessary to raise the sum mentioned in such by-law, and otherwise act according to the terms thereof.

10

Corporation
may exchange
their debentures for those
of the town-
ships.

25. The corporation of any county municipality shall be at liberty to take the debentures issued by any township in aid of the railway company, and give in exchange therefor to the said township a like amount of the debentures of the said county, on a resolution to that effect being passed by the county council, but the township municipality shall in such case keep 15 the county municipality fully indemnified against any rate or liability in respect of said debentures.

Trustees or
municipal
debentures.

26. Whenever any municipality or portion of a county municipality shall grant aid by way of bonus or gift to the railway company, the debentures therefor, shall within six months 20 after passing of the by-law authorizing the same, be delivered to three trustees, to be named, one by the Lieutenant-Governor in Council, one by the said company, and one by the majority of the heads of the municipalities which have granted bonuses; all of the trustees to be residents of the Province of 25 Ontario: Provided, that if the said Council shall refuse or neglect to name such trustee, or if the Lieutenant-Governor in Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustees, the company shall be at liberty to name such other trustee or other trustees; any of the said trustees may be removed and 30 a new trustee appointed in his place at any time, by the Lieutenant-Governor in Council, with the consent of the said company, and in case any trustee die, or resign his trust, or go to live out of Ontario, or otherwise become incapable to act, his trusteeship shall become vacant, and a new trustee may be ap- 35 pointed by the Lieutenant-Governor in Council, with the consent of said company.

Trusts on
which debentures are to be
held.

27. The said trustees shall receive the said debentures or bonds in trust: firstly, under the direction of the company, to 40 convert the same into money; secondly, to deposit the amount realized from the sale in some of the chartered banks having an office in this Province, in the name of "The London Junction Railway Municipal Trust Account," and to pay the same out to the said company from time to time, on the certificate of the 45 chief engineer of the said railway, in the form set out in schedule A hereto, or to the like effect, setting out the portion of the railway to which the money to be paid out is to be applied, and that the sum so certified for, is in pursuance of the terms and conditions of the by-law, and such certificate is to be attached to the cheques to be drawn by the said trustees; and 50 such engineer shall not wrongfully grant any such certificate under penalty of one hundred dollars, recoverable in any county court by any person who may sue therefor.

28. The trustees shall be entitled to their reasonable fees and charges from said trust fund, and the act of any two of such trustees to be as valid and binding as if the three had agreed. Trustees' fees. Act of two to govern.

29. Any municipality which shall grant a bonus of not less than fifty thousand dollars in aid of the said company may stipulate that it shall be entitled to name a director in the said company as the representative of such municipality; and such director shall be, in addition to the directors elected by the shareholders, and shall not be required to be a shareholder in the company, and shall continue in office as a director in the said company until his successor shall be appointed by the municipality which he represents. Municipal directors.

30. Any municipality through which the said railway may pass is empowered to grant by way of gift to the said company any lands belonging to such municipality, which may be required for right of way, station grounds, or other purposes connected with the running or traffic of the said railway; and the said railway company shall have power to accept gifts of land from any Government or any person or body politic or corporate, and shall have power to sell or otherwise dispose of the same for the benefit of the said company. Company may receive gifts of lands.

31. It shall further be lawful for the council of any municipality in which any part of the railway of the company is situate, by by-law specially passed for that purpose, to exempt the said company and its property within such municipality, either in whole or in part, from municipal assessment or taxation, or to agree to a certain sum per annum, or otherwise in gross, or by way of commutation or composition for payment; or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years, and any such by-law shall not be repealed unless in conformity with a condition contained therein. Municipalities may exempt Company from taxation.

32. It shall and may be lawful for the council of any municipality that may grant a bonus to the company, and they shall have full power to extend the time for completion of the works, on the completion of which the said company would be entitled to such bonuses. Council may extend time.

33. It shall be lawful for the council of any township or county municipality interested in the said extension branches, or any of them, and without complying with the requirements of any Act providing for the creation of debts by municipal corporations on behalf of such township or county municipalities, to bear all, or part of the costs, charges and expenses of, and incidental to the submission of any by-law to the said qualified voters for granting a bonus to the said company, or may give the said company a bonus on account of such costs, charges and expenses; Provided always that no one such bonus shall exceed five thousand dollars. Councils may contribute towards preliminary expenses.

34. Whenever any municipality or portion of a municipality shall aid, loan, guarantee or give money or bonds by way of bonus to aid the making, equipment, and completion of said Municipalities may agree as to application of bonus.

extension and branches, or any part or parts thereof, it shall be lawful for the said company to enter into a valid agreement with any such municipality binding the said company to expend the whole of such aid so given upon works of construction, within the limits of the municipality granting the same. 5

Branch to
Oshawa.

35. It shall be lawful for the trustees, if the Company require them to do so, to expend all the bonuses to be granted by the Village of Oshawa, and the Township of East Whitby, or either of them, on the branch hereby authorized to be constructed to Oshawa. 10

Uxbridge
Branch.

36. In the absence of an agreement by the Company to the contrary it shall be lawful for the trustees, if the Company require them to do so, to expend all the bonuses to be granted by the Township of Uxbridge and Scott, and Village of Uxbridge, or any of them, on the branch by this Act authorized to be constructed to the Village of Uxbridge. 15

Bonuses to be
expended on
Haliburton
Branch.

37. In the absence of an agreement by the Company to the contrary, it shall be lawful for the trustees if the Company require them so to do, to expend all the bonuses which may be granted by all or any municipality or municipalities, or portion 20 of municipality or municipalities, in the Counties of Victoria and Peterborough, or either of them, on the branch by this Act authorized to be constructed to Haliburton, and if the municipalities lying northward of Fenelon Falls decline to grant the required bonuses, it shall be lawful for the trustees, if the Com- 25 pany required them to do so, to expend on the branch to Fenelon Falls all those bonuses which would have been expended on the branch if extended to Haliburton, if the municipalities northward of Fenelon Falls had granted the required bonuses.

Bonuses to
expended in
Ontario and
northerly.

38. In the absence of an agreement by the Company to the 30 contrary, it shall be lawful for the trustees, if the Company require them so to do, to expend all bonuses to be granted by any municipality or municipalities, or any county municipality or county municipalities, or any portion of such municipality or municipalities, or county municipality or municipalities, 35 lying southerly of the Township of Morrison, other than bonuses which the Company have agreed to expend otherwise, on the extension of the Railway as far as the said Township of Morrison, and to apply all bonuses to be granted by municipalities lying northerly of the Township of Rama, on the extension 40 northerly of the Township of Rama.

Company may
pledge bonds.

39. It shall be lawful for the directors of the company after the sanction of the shareholders shall have been first obtained at any special general meeting to be called from time to time for such purpose, and they are hereby empowered to issue from 45 time to time as occasion may require, for the purposes of the company, bonds, debentures, mortgage bonds, or other securities to any amount, executed by the president or vice-president for the time being, of the company, and countersigned by the secretary, and may be payable to bearer in London, England, or else- 50 where, as the directors think expedient; and the same may be assignable by delivery; but the amount so allowed to be issued, together with the amount already issued, shall not exceed fifteen thousand dollars per mile of the said railway, already constructed from Port Whitby to Port Perry; and such bonds 55

debentures, mortgage bonds and other securities, including those already issued, shall, without registration or formal conveyance, be taken and considered to be first, and preferential claims and charges upon the railway and property of the railway company, in and from Port Whitby, to and in Port Perry; and each holder of said bonds shall be deemed to be a mortgagee and incumbrancer *pro rata*, with all the other holders thereof, upon the undertaking, and present, and future acquired property of the company, in and from Port Whitby to and in Port Perry, and it shall be further lawful for the directors of the company with the like sanction of the shareholders as aforesaid, and they are hereby empowered to issue from time to time as occasion may require, other bonds, debentures, mortgage bonds, and other securities to any amount, executed, payable and assignable in manner aforesaid, for the purpose of raising money for prosecuting the said extension and branches hereby authorized to be constructed; and such last mentioned bonds, debentures, mortgage bonds, and other securities be declared on the face thereof to be "extension bonds," and shall, without registration or formal conveyance be taken and considered to be first and preferential claims and charges upon the said extension and branches, but the amount thereof when issued shall not exceed twelve thousand dollars per mile, when constructed of such last mentioned extension and branches and each holder of said last mentioned bonds shall be deemed to be a mortgagee, and incumbrancer *pro rata* with all the other holders of the last mentioned bonds upon the said extensions and branches only, and the twenty-third and twenty-fourth sections of the said Act of incorporation chapter forty-two, and the first section of the Act passed in the thirty-second year of Her Majesty's reign, and chaptered sixty, amending said Act of incorporation, are to read as altered or amended by the foregoing provisions of this Act.

40. The said company may from time to time for advances of money to be made thereon, mortgage or pledge any bonds, debentures or mortgage securities which under the provision of this Act can be issued from the construction of said extension, branches, or any of them. Company may issue bonds.

41. The said company for the purpose only of facilitating its traffic, shall have power to purchase, build, fit out, complete and charter, sell or dispose of work, control, and keep in repair steam tugs, barges, steam boats, and other vessels to ply in connection with the said railway. Company may acquire vessels.

SCHEDULE A.

(See Section 28.)

CHIEF ENGINEER'S CERTIFICATE.]

THE PORT WHITBY AND PORT PERRY RAILWAY
 COMPANY' OFFICE,
 ENGINEER'S DEPARTMENT, A. D. 18

*Certificate to be attached to cheques drawn on The Port Whitby
 and Port Perry Railway Municipal Trust Account. -*

I Chief Engineer for The Port Whitby and Port
 Perry Railway Company, do hereby certify that the sum of
 \$ is required to be expended in the construction of
 the portion of the line extending from mile No. to mile
 No. , and that payment should be made to the com-
 pany of such amount from the Municipal Trust Account, the
 same being in pursuance of the terms and conditions of the By-
 law of the Municipality of the of

No. 82.

3rd Session, 2nd Parliament, 37 Victoria,

BILL.

An Act to incorporate The Port Whitby
 Port Perry Railway Company.

(Reprinted as amended.)

1st Reading, 16th February, 1874.
 2nd Reading 12th March, 1874.

(PRIVATE BILL.)

Mr. FARWELL

TORONTO:

PRINTED BY HUNTER, ROSE & CO.

An Act to re-unite the North and South Ridings of the County of Perth, for the purpose of Registration of Titles.

WHEREAS, the Warden and Municipal Council of the Preamble.

County of Perth, have by their petition, represented that the division of the said County of Perth, into North and South Ridings thereof, for the purposes of registration of titles, is inconvenient to the people of the North and South Ridings of the said county, and is unnecessary, and have prayed that the North and South Ridings of the said County of Perth shall be re-united for the purposes of registration of titles; and it is expedient to grant the prayer of the petitioners :

10 Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Upon, from and after the day of next, N. and S Rid-
ings of Perth
re-united for
registration
purposes.
the North and South Ridings of the said County of Perth shall
15 be re-united for the purposes of the registration of titles ; and the
whole County of Perth, shall upon, from and after the said
day, form one such registration division or county ; the Registry
Office for the said County of Perth, shall be kept in the Town of
Stratford, in the said county, and the appointment of a Regis-
20 trar for the South Riding of the said County of Perth, shall
have no further effect, upon, from, and after the said day.

2. Upon, from and after the day last aforesaid, all memorials, Registry
books, etc., to
be kept in
Stratford.
certificates, registry books, calendars, instruments, documents
and papers, relating to the registration, or other instruments or
25 documents effecting real estate in the South Riding of the County
of Perth, and registered in the registry office at the Town of St.
Mary's, or in any way forming part of the records and muniments
of the said registry office, shall be transferred to the registry
office for the County of Perth, to be kept at the Town of Strat-
30 ford, and shall make part of the registers, records and muni-
ments of the said office, and the same shall rank in the order
and date of their registry in the South Riding, as if they had in
such order and date been registered in the registry office for the
said County of Perth ; and the Registrar of the said county shall
35 have the same powers and duties with respect to them, and to
all searches, certificates and other matters relating to them, as
if the registration of the deeds, instruments and documents to
which they relate had been effected in the said county registry
office, at the Town of Stratford.

40 3. Upon from and after the day above mentioned, there Compensation
to.
shall be paid out of the amount payable to the treasurer of the

BILL.

An Act to reunite the North and South
Riding of the County of Perth for Regis-
tration purposes.

First Reading 16th February, 1874.

(*PRIVATE BILL.*)

MR. BETHUNE.

County of Perth from the surplus fees received by the Registrar of the said county, so united to
now Registrar of the Riding of the said county, the sum
of six hundred dollars yearly for the term of five years.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act to amend the Acts relating to the Victoria
Railway Company.

WHEREAS, the Victoria Railway Company have petitioned for an Act to amend the several Acts relating to the said company, and it is expedient to grant the prayer of their petition:

5 Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. From and after the erection of the Judicial District of Municipality of
it shall constitute a municipality under of
10 the name of the Municipality of the Judicial District of to have power
of county
for the purpose hereinafter mentioned, and councils in
the affairs of such municipality shall be managed by a municipal reference to
council composed of the Reeves of the townships, or united bonuses.
townships, composing the district, and the said municipality
15 and the council thereof shall have and possess all the rights, powers, liabilities and incidents of a county corporation and county council for the purpose hereinafter mentioned, and the Municipal Law and Statutes of Ontario applicable to counties and county councils, and to the members, officers and servants
20 thereof, and their duties and responsibilities, shall apply to the said municipality and council, and the members, officers and servants thereof for the purpose following, namely, for the purpose of giving aid by way of bonus to the said company: Provided, however, that such law and statutes shall not apply
25 to matters otherwise and differently provided for by this or any of the said recited Acts.

2. It shall not be necessary in any by-law framed under this Act to set out the amount of ratable property.

3. It shall be lawful for the said municipality to submit a
30 by-law in aid of the said company to the extent of sixty thousand dollars, to be voted upon by the duly qualified voters in the following townships or localities, namely: Galway, Cavanish, Snowden, Glamorgan, Monmouth, Dysart, Dudley, Harcourt, Guilford, Harburn and Bruton, all that part of the townships of Minden and Stanhope, east of the side road or road allowance between lots fifteen and sixteen in those townships respectively, and all that part of the township of Lutterworth, lying to the east of the side road between lots fifteen and sixteen, and south of the road allowance between concessions ten
35 and eleven: and the said council shall pass the same and do everything that may be necessary to give effect thereto, if the by-law shall have received a majority of the votes cast.

Amount of
ratable property not be set
out in by-law.

The said
municipality
empowered to
submit a by-
law for \$60,-
000 for certain
localities.

Township or
section can
give aid.

4. It shall also be lawful for any township or portion of a township in the said municipality, or for any two or more of them, or portions of them, to give aid in addition to or in substitution of the aid which may be given under the third section of this Act by way of bonus to the said company; provided the granting of such aid shall not involve the levying of a higher rate than three cents in the dollar. 5

Council shall
submit by-laws
on petition of
the company
on certain
conditions.

5. In addition to the enactments contained in the fifth section of chapter sixty of the Statutes of Ontario, passed in the thirty-fifth year of Her Majesty's reign, it is also enacted, that the council of any county or township municipality, (including the said municipality of) shall, upon petition of the said company, and within three weeks after the same shall have been left with the warden, clerk, reeve, or any principal officer of the municipality, submit a by-law or by-laws to be voted on by the duly qualified voters in that behalf, and shall pass such by-laws, if they receive the majority of the votes cast; provided the said company shall, at the time of or before leaving such petition, deposit to the credit of the municipality asked to pass such by-law, in a chartered bank of the Province, within or at some place convenient to such municipality, the sum of three hundred dollars in the case of groups, and two hundred dollars in the case of single municipalities, or portions of municipalities, to cover the expense of submitting such by-law, in case the same may not be carried, and shall deliver with the petition a certificate of such deposit. 15 20 24

Deposit to be
returned if by-
law passed.

6. In any case in which such by-law may be passed, the said company shall be entitled to repayment of the amount deposited on demand made to the treasurer, warden, reeve, clerk, or other principal officer of the municipality, and when such by-law shall not have been passed, the said company shall be entitled to have any balance which may remain after paying expenses, returned on demand. 30

36 V., c. 97,
ss. 5, 6, 7 & 8,
repealed.

7. The fifth, sixth, seventh and eighth sections of chapter ninety-seven of an Act of the said Province, passed in the thirty-sixth year of Her Majesty's reign, are hereby repealed, as well as anything in the said several Acts contained which may be construed as rendering the Corporation of the County of Peterborough subject to any liability or obligation in respect of by-laws under the said Act. 40

Levying rate
on section.

8. It shall be lawful for any municipal corporation which may pass a by-law to levy a rate on the section embraced in the by-law for the purpose of discharging the indebtedness created thereby.

Payments may
be made in
stock and
bonds.

9. The shareholders of the company may by resolution come to at the annual or any meeting of shareholders specially called for the purpose, give the directors power to sell stock of the company at reduced rates, to allot and hand over paid up stock and bonds of the company in payment of right of way, plant, rolling stock or material of any kind; and also, for the services of contractors, engineers and other persons, whether directors or not, who may be or may have been engaged in promoting the construction, equipment and undertaking of the said railway; provided, that no allowance shall be made to directors 45 50

without the express sanction of the shareholders, and that directors not appointed by the shareholders shall not interfere in the issue or sale of stock or bonds of the company.

10. And whereas the shareholders of the company have
 5 have unanimously resolved that the interests of the company would be best promoted by giving the company power to enable one or more of the directors to act for the company in several particulars, be it enacted that it shall be lawful for the said company with such consent to give such power. The company may delegate powers to one director.

10 11. The fourteenth section of chapter sixty of the Act passed in the thirty-fifth year of Her Majesty's reign, is hereby amended by exempting the company from any obligation to carry cordwood from any township, or portion of township which may not have given aid by way of bonus acceptable to the said com-
 15 pany ; and such aid shall be conclusively taken to be acceptable if it has been accepted by the company. Section 14 of chapter 60, 35 Vic., amended. Cordwood.

12. It shall be lawful for the corporation of the town of Lindsay and the said company to make any alterations in the agreement between them, having reference to the bonus granted
 20 by the town to the company, without affecting the by-law under which the said bonus was granted. The company and the town of Lindsay may alter their agreement.

3rd Session, 2nd Parliament, 37 Vict., 1874.

BILL.

An Act to amend the Acts relating to the
Victoria Railway Company.

First Reading, 16th February, 1874.

(*PRIVATE BILL.*)

Hon. Mr. CAMERON.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act to amend the Acts relating to the Victoria
Railway Company.

WHEREAS, the Victoria Railway Company have petitioned for an Act to amend the several Acts relating to the said company, and it is expedient to grant the prayer of their petition:

5 Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The said company may receive from any Government, or from any persons or bodies corporate, municipal or politic, who
10 may have power to make or grant the same, aid towards the construction, equipment or maintenance of the said railway, by way of bonus, gift, or loan in money, or debentures or other securities for money, or by way of guarantee, upon such terms and conditions as may be agreed upon. Aid to Company from Government, &c.
- 15 2. Any municipal corporation, or any portion of a municipality, which may be interested in securing the construction of the said railway, or through any part of which, or near which, the railway or works of the said company shall pass or be situated, may aid the said company by giving money or debentures
20 by way of bonus, gift, or loan, or by the guarantee of the municipal corporation, under and subject to the provisions hereinafter contained, which are to be taken as applicable thereto, instead of sections four hundred and seventy-two, four hundred and seventy-three and four hundred and seventy-four of the Municipal Institutions Act: Provided always that no such aid shall
25 be given, except after the passing of a by-law for the purpose, and the adoption of such by-law by the qualified ratepayers of the municipality or portion of the municipality, (as the case may be) as provided in the Municipal Act for the creation of
30 debts. Aid from Municipalities
3. Such by-law shall be submitted by the municipal council to the vote of the ratepayers in manner following, namely:—
1. The proper petition shall first be presented to the council, expressing the desire to aid the railway, and stating in what
35 way and for what amount; and the council shall within six weeks after the receipt of such petition by the clerk of the municipality introduce a by-law to the effect petitioned for, and submit the same for the approval of the qualified voters;
2. In the case of a county municipality the petition shall be
40 that of a majority of the reeves and deputy-reeves, or of twenty resident freeholders in each of the minor municipalities of the county, who are qualified voters under the Municipal Act; Manner of submitting by-laws to rate-payers.

3. In the case of other municipalities, the petition shall be that of a majority of the council thereof, or of twenty resident freeholders, being duly qualified voters as aforesaid ;

4. In the case of two or more minor municipalities, or sections of two or more such municipalities, or of two or more such municipalities with a section or sections of one or more minor municipalities forming part of a county municipality, the petition is to be presented to the county council, describing the portions to be grouped, and defining any section by metes and bounds, and shall be that of a majority of each of the councils of such minor municipalities respectively, or of twenty resident freeholders in each of the said municipalities, or sections proposed to be grouped, being duly qualified voters as aforesaid.

Aid from portions of County Municipalities.

4. Where a portion of the county municipality petitions to aid the railway, it shall be such portion only as shall consist of two or more minor municipalities or sections thereof, through which the line of railway is to be constructed, or which will be benefited thereby, and such minor municipalities and sections thereof shall lie contiguous ; but no minor municipality or section thereof, which is subject to a county or other by-law in aid of the same railway, shall be thus grouped without the consent of the majority of the duly qualified voters therein expressed to that end, when voting upon the proposed by-law.

Grouping minor municipalities.

Proceedings in opposing submission of by-law.

5. In case of aid from a county municipality, or from a grouped portion thereof, twenty resident freeholders of the county, or portion comprised in the proposed by-law (as the case may be) may petition the county council against submitting the said by-law, upon the ground that certain minor municipalities, or portions thereof, comprised in the said by-law would be injuriously affected thereby, or upon any other ground, ought not to be included therein ; and upon deposit by the petitioners with the treasurer of the county of a sum sufficient to defray the expense of such reference, the said council shall forthwith refer the said petition to three arbitrators, one being the judge of the county court, one being the registrar of the county, or the riding in which the county town is situate, and one being an engineer appointed by the Commissioner of the Department of Public Works for Ontario, who shall have power to confirm or amend the said by-law by excluding any minor municipality, or any section thereof, therefrom ; and the decision of any two of them shall be final ; and the by-law so confirmed and amended, shall thereupon, at the option of the railway company, be submitted by the council to the duly qualified voters ; and in case the by-law is confirmed by the arbitrators, the expense of the reference shall be borne by the petitioners against the same, but if amended, then by the railway company, or the county, as the arbitrators may order.

Arbitration.

Costs.

Rate to be levied only on the part of municipality granting bonus.

6. In the case of a portion of the county municipality being formed into a group, the by-law to be submitted shall be that of the county, but the rate to be levied for payment of the debentures issued thereunder, and the interest thereon, shall be assessed and levied upon such portions only of the county municipality ; and the voting thereon shall be limited to the duly qualified voters in such portions only.

Railway to make deposit for expenses.

7. Before any such by-law is submitted, the railway company shall deposit with the treasurer of the municipality a sum sufficient to pay the expenses to be incurred in submitting said by-law.

8. The term "minor municipality" shall be construed to mean any town not separated from the municipal county, township, or incorporated village situate in the county municipality. Interpretation of the words "minor municipality."

5 9. No by-law shall be valid, or shall be submitted to such vote for granting aid to the railway which shall require the levying of a greater aggregate annual rate for all purposes, exclusive of school rates, than three cents in the dollar upon the value of the ratable property in each of the minor municipalities or sections effected thereby; but for the purposes of such aid, the amount of the aggregate annual rate to be levied in any such municipality or section, may exceed the two cents in the dollar limited by the Municipal Act. By-laws to be valid, though the annual rate exceed two cents in dollar.

10. Such by-law shall in each instance provide (1.) for, raising the amount petitioned for in the municipality or portions of the county municipality (as the case may be) mentioned in the petition by the issue of debentures of the county or minor municipality, respectively, and shall also provide for the delivery of the said debentures or the application of the amount to be raised thereby, as may be expressed in the said by-law; Requisites of by-law.

2. For assessing and levying upon all ratable property lying within the municipality or portions of the county municipality defined in said by-law (as the case may be) an annual special rate sufficient to include a sinking fund for the repayment of the said debentures, within twenty years with interest thereon, payable yearly or half-yearly, or by equal annual instalments of principal and interest; which debentures the respective municipal councils, warden, reeves and other officers thereof are hereby authorized to execute and issue in such cases respectively: Provided that in case the sum raised under the authority of such by-law is invested in the capital stock or bonds of the railway company or loaned thereon, the council of the municipality holding such stock or bonds may sell and dispose of the same or any part thereof, and shall in such case apply the moneys received therefor in payment of the said debentures and interest.

11. In case the by-law submitted is not approved of, no other by-law which is in substance the same shall be submitted to the voters of the same municipality or portions of the county municipality, until after the expiration of six months from such rejection. If by-law defeated, limit of time for submitting similar one.

12. In case the by-law submitted be approved of or carried by a majority of the votes given thereon, then within four weeks after the date of such voting, the municipal council which submitted the same, shall read the said by-law a third time and pass the same. If by-law carried, council to pass the same,

13. Within one month after the passing of such by-law, the said council, and the warden, reeve or other officer thereof shall issue or dispose of the debentures necessary to raise the sum mentioned in such by-law, and otherwise act according to the terms thereof. and issue the debentures.

14. The corporation of any county municipality shall be at liberty to take the debentures issued by any township in aid of the railway company, and give in exchange therefor to the Corporation may change their debentures for those of the townships.

said township, a like amount of the debentures of the said county, on a resolution to that effect being passed by the county council, but the township municipality shall in such case keep the county municipality fully indemnified against any rate or liability in respect of said debentures.

5

Trustees for
municipal
debentures.

15. Whenever any municipality or portion of a county municipality shall grant aid by way of bonus or gift to the railway company, the debentures therefor, shall within six months after passing of the by-law authorizing the same, be delivered to three trustees to be named, one by the Lieutenant-Governor in Council, one by the said company, and one by the majority of the heads of the municipalities which have granted bonuses ; all of the trustees to be residents of the Province of Ontario : Provided that if the said Council shall refuse or neglect to name such trustee, or if the Lieutenant-Governor in Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustees, the company shall be at liberty to name such other trustee or other trustees ; any of the said trustees may be removed and a new trustee appointed in his place at any time, by the Lieutenant-Governor in Council, with the consent of the said company ; and in case any trustee die, or resign his trust, or go to live out of Ontario, or otherwise become incapable to act, his trusteeship shall become vacant, and a new trustee may be appointed by the Lieutenant-Governor in Council, with the consent of said company.

25

Trusts in
which debentures
are to
be held.

16. The said trustees shall receive the said debentures or bonds in trust : firstly under the direction of the company to convert the same into money ; secondly, to deposite the amount realized from the sale in some of the chartered banks, having an office in this Province, in the name of " The Victoria Railway Municipal Trust Account," and to pay the same out to the said company from time to time, on the certificate of the chief engineer of the said railway, in the form set out in schedule A hereto, or to the like effect setting out the portion of the railway to which the money to be paid out is to be applied, and that the sum so certified for, is in pursuance of the terms and conditions of the by-law, and such certificate is to be attached to the cheques to be drawn by the said trustees ; and such engineer shall not wrongfully grant any such certificate under penalty of one hundred dollars, recoverable in any county court by any person who may sue therefor.

40

Trustees' fees.
Act of two to
govern.

17. The trustees shall be entitled to their reasonable fees and charges from said trust fund, and the act of any two of such trustees to be as valid and binding as if the three had agreed.

Municipal
directors.
Company may
receive gifts of
land.

18. Any municipality which shall grant a bonus of not less than fifty thousand dollars in aid of the said company may stipulate that it shall be entitled to name a director in the said company as the representative of such municipality ; and such director shall be, in addition to the directors elected by the shareholders, and shall not be required to be a shareholder in the company, and shall continue in office as a director in the said company until his successor shall be appointed by the municipality which he represents.

50

19. Any municipality through which the said railway may pass is empowered to grant by way of gift to the said company any lands belonging to such municipality, which may be re-

55

quired for right of way, station grounds or other purposes connected with the running or traffic of the said railway ; and the said railway company shall have power to accept gifts of land from any Government or any person or body politic or corporate, and shall have power to sell or otherwise dispose of the same for the benefit of the said company.

20. It shall further be lawful for the council of any municipality in which any part of the railway of the company is situate, by by-law specially passed for that purpose, to exempt the said company and its property, within such municipality, either in whole or in part, from municipal assessment or taxation, or to agree to a certain sum per annum or otherwise, in gross or by way of commutation or composition for payment ; or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years, and any such by-law shall not be repealed unless in conformity with a condition contained therein.

Municipalities may exempt Company from taxation.

21. It shall and may be lawful for the council of any municipality that may grant a bonus to the company, and they shall have full power to extend the time for completion of the works on the completion of which the said company would be entitled to such bonuses.

Council may extend time.

22. It shall be lawful for the council of any township or county municipality interested in the said extension branches, or any of them, and without complying with the requirements of any Act providing for the creation of debts by municipal corporations on behalf of such township or county municipalities, to bear all, or part of the costs, charges and expenses of, and incidental to the submission of any by-law to the said qualified voters for granting a bonus to the said company, or may give the said company a bonus on account of such costs, charges and expenses ; Provided always that no one such bonus shall exceed five thousand dollars.

Councils may contribute towards preliminary expenses.

23. Whenever any municipality or portion of a municipality shall aid, loan, guarantee or give money or bonds by way of bonus to aid the making, equipment and completion of said extension and branches, or any part or parts thereof, it shall be lawful for the said company to enter into a valid agreement with any such municipality binding the said company to expend the whole of such aid so given upon works of construction, within the limits of the municipality granting the same, otherwise as may be agreed upon.

Municipalities may agree as to application of bonus.

24. The foregoing sections of this Act shall apply so far as the same can be made applicable to any District or Provisional County to be formed out of any part of the Counties of Peterboro' and Victoria and the district of Nipissing, or to any minor municipality or sections thereof in such District or Provisional County ; and in any such case it shall not be necessary in any by-law to set out the amount of the ratable property ; and it shall not be necessary that in any minor municipality or the section thereof proposed to be grouped, containing less than fifty resident freeholders that the petition should be signed by any person in respect of such municipality or section, but no such petition shall be presented or acted upon without the consent of the Lieutenant-Governor in Council, as to such municipality or section.

Application of foregoing sections to Provisional counties.

Payments may
be made in
stocks and
bonds.

25. The shareholders of the company may by resolution come to at the annual or any meeting of shareholders specially called for the purpose, give the directors appointed by the shareholders, power to sell stock of the company at reduced rates, to allot and hand over paid up stock and bonds of the company 5 in payment of right of way, plant, rolling stock or material of any kind; and also, for the services of contractors, engineers and other persons, whether directors or not, who may be or may have been engaged in promoting the construction, equipment and undertaking of the said railway; provided, that no 10 allowance shall be made to directors without the express sanction of the shareholders, and that directors not appointed by the shareholders shall not interfere in the issue or sale of stock or bonds of the company.

The company
may delegate
powers to one
director.

26. And whereas the shareholders of the company have 15 have unanimously resolved that the interests of the company would be best promoted by giving the company power to enable one or more of the directors to act for the company in several particulars, be it enacted that it shall be lawful for the said company with such consent to give such power. 20

Section 14 of
chapter 60,
35 Vic.,
amended.

Cordwood.

27. The fourteenth section of chapter sixty of the Act passed in the thirty-fifth year of Her Majesty's reign, is hereby amended by exempting the company from any obligation to carry cordwood from any township, or portion of township which may not have given aid by way of bonus acceptable to the said com- 52 pany; and such aid shall be conclusively taken to be acceptable if it has been accepted by the company.

Expenditure
on line be-
tween Lindsay
and Kilmount
or Haliburton.

28. It shall be lawful for any of the municipal corporations and the said company to make any agreement by which the bonus given by such municipality may be expended on 30 any part of the line between the Town of Lindsay and the Village of Kilmount or of Haliburton, and in case any such agreement should alter in this respect any existing by-law, the same shall be ratified by the voters qualified to vote thereon under the provisions of the Municipal Act for the creation of debts. 35

Commencement
and comple-
tion of railway.

29. The failure of the said Company to commence the construction of the said railway within the time limited in chapter sixty of the statutes passed by the Legislature of the Province of Ontario in the thirty-first year of the reign of Her present Majesty, shall not operate as a forfeiture of the charter; 40 and the times for commencing and completing the construction of the said railway is hereby extended to two and four years, respectively, from the time of the passing of this Act.

SCHEDULE "A."

(Section 12.)

CHIEF ENGINEER'S CERTIFICATE.

THE VICTORIA RAILWAY COMPANY'S OFFICE.

ENGINEER'S DEPARTMENT, A.D. 18

No.

*Certificate to be attached to cheques drawn on The Victoria
Railway Municipal Trust Account.*

I, _____, Chief Engineer for the Victoria Railway
Company, do hereby certify, that the sum of \$ _____ is
required to be expended in the construction of the portion of
the line extending from mile No. _____ to mile No. _____,
and that payment should be made to the company of such
amount from the Municipal Trust Account, the same being in
pursuance of the terms and conditions of the By-law of the
Municipality of the _____ of _____

BILL.

An Act to amend the Acts relating to the
Victoria Railway Company.

(Reprinted as amended.)

First Reading 16th February, 1874.

(PRIVATE BILL.)

Hon. Mr. CAMERON.

TORONTO :

PRINTED BY HUNTER, ROSE & CO.

An Act to amend the Act passed in the thirty-sixth year of the reign of Her Majesty, Queen Victoria, incorporating The Toronto Gravel Road and Concrete Company.

WHEREAS, the Toronto Gravel Road and Concrete Com- Preamble.
pany have by their petition prayed that the Act in-
corporating the said Company may be amended, so as to enable
them to build a tramway of wood, iron, or wire, or both, to
5 facilitate the business of the said company, now carried on
under the said Act, and to extend the powers of the said com-
pany and for other purposes, and it is expedient to grant the
prayer of the said petition.

Therefore, Her Majesty, by and with the advice and consent
10 of the Legislative Assembly of the Province of Ontario enacts
as follows:—

1. The said company, their servants and agents shall have
full power under this Act to lay out, construct, and complete a
double or single tramway or way of wood, or of iron, or wood
15 and iron and other materials, from their gravel beds or pits in
the Township of Scarborough in the County of York, through
the Township of York, to some point within the City of
Toronto, and to take and hold all lands necessary for the pur-
pose and convenience of their road or way, and the buildings
20 and constructions connected in any way therewith or aiding
the traffic thereof; and they shall have full power to carry and
transport on and over their said roadway, and any and every
part thereof in cars, carriages, and other vehicles, gravel, sand,
and other property, and passengers at such reasonable rates as
25 the directors of the company for the time being shall impose, or
as shall be from time to time fixed by the Lieutenant-Governor
of the Province; and the said road may be worked by horse
or other power, but if by steam, the rate of travelling shall
not be greater than miles per hour.

Power to con-
struct a wood
or iron tram-
way from
gravel pits to
Toronto,

30 2. The said company, their servants and agents shall also
have full power under this Act to lay out, construct, and com-
plete a wire tramway from and to the points aforesaid, for the
purpose of carrying and transporting gravel, sand and other
freight, and to acquire, take, and hold all lands necessary for
35 the use, objects, and conveniences connected in any way there-
with, or aiding the traffic thereof, and to operate or work the
same by a stationary steam-engine or engines at such reason-
able rates as may from time to time be imposed by the said
directors.

Power to
construct a
wire tramway.

40 3. The councils of the municipalities through or in which the
said tramways or roads may be laid out, constructed, or pass,
Tramway may
pass along
highway.

may by by-law or otherwise, permit the said Company to construct the same, or some, or any part thereof, in, along, over, and upon the highways and streets, upon such terms and conditions as may be agreed upon between them.

Capital stock **4.** The capital stock of the said company shall be increased 5
to the sum of two hundred thousand dollars, and shall consist
of two hundred shares of one thousand dollars each.

Powers of the Company **5.** The said company shall have all the powers and benefits
and be subject to the liabilities, duties and restrictions, given to
and imposed upon joint stock road companies, in the fourth, 10
sixteenth, seventeenth, eighteenth, nineteenth, twentieth,
twenty-first, twenty-second, twenty-third, twenty-fourth,
twenty-fifth, twenty-sixth, twenty-seventh, twenty-eighth,
thirtieth, thirty-first, thirty-second, fifty-third, fifty-fourth,
fifty-fifth, fifty-sixth, sixtieth, one hundred and tenth, and one 15
hundred and eleventh clauses of the Act, chapter forty-nine of
the Consolidated Statutes for Upper Canada, and those clauses
are for the purpose of this Act, and in regard to all corpora-
tions and persons to be read and taken as part of this Act.

Powers of directors. **6.** The Directors of the Company shall have full power and 20
authority to make, amend, repeal, and re-enact all such by-
laws, rules, regulations, and resolutions as shall appear to them
proper and necessary, touching the well-ordering of the com-
pany; the calling in of the capital stock; the acquirement,
management and disposition of the stock, property and effects, 25
and of its affairs and business; the declaration and payment
of dividends out of the profits of the company; the form and
issuing of stock certificates and transfer of shares; the calling
of special and general meetings of the Company; the appoint-
ment, removal, and remuneration of all officers, agents, clerks, 30
workmen, and servants of the company, and in general to do
all things that may be necessary to carry out the objects, and
exercise the powers incident to the company.

Stock to be personality. **7.** The stock of the company shall be deemed personal es-
tate, and shall be transferable in such way as the directors 35
shall by by-law direct.

Power to issue debentures. **8.** The directors of the Company may from time to time
raise or borrow for the purposes of the said company, any sum or
sums of money, not exceeding in the whole
thousand dollars by the issue of bonds or debentures in sums 40
of not less than dollars each, on such
terms and credit as they may think proper, and may pledge
mortgage, or hypothecate all the property, tolls, and income of
the company, or any part thereof, for the repayment of the
moneys so raised or borrowed with the interest thereon: Pro- 45
vided always that the consent of in
value of the stock-holders of the Company shall be first had
and obtained at a special meeting to be called and held for that
purpose.

Injuring works of company. **9.** If any person or persons shall in any way do, or cause to 50
to be done, any injury to such tramways, roads or tracks, or
any wire, timber, tie, rail, fence, bridge, tresslework, building
or erection, connected therewith, or any car, carriage, basket,

horse or engine of the company, or any other property belonging to them, or in their custody or charge, or shall interrupt or impede the passage of any train, car, carriage, basket, wire, machine, horse, or engine of the company, such person and persons shall, upon conviction thereof, in a summary way, before any justice of the peace, be sentenced to pay all damages, if any, sustained by the company, which damages shall be ascertained and settled by the justice hearing the complaint, and also to pay a fine of not more than twenty dollars, and not less than one dollar, together with all costs, which damages, fine and costs, shall be paid within a time to be limited by the justice, and in default thereof, shall be levied as in the one hundred and seventh section of the said Act, chaptered forty-nine, of the Consolidated Statutes for Upper Canada, as directed ; and in case of no goods or chattels to satisfy the warrant, the offender may be committed to gaol, as in the said section is provided, and the damages so ascertained shall be paid to the company, and the fines, one-half to the complainant, and the residue to the uses of the Province.

BILL.

An Act to amend the Act passed in the thirty-sixth year of the reign of Her Majesty, Queen Victoria, incorporating the Toronto Gravel Road and Concrete Company.

1st Reading, 16th February, 1874.

(*PRIVATE BILL.*)

Hon. Mr. CAMERON.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act to separate the Town of Orangeville and certain Townships in the Counties of Wellington, Grey and Simcoe, from the said counties, and to erect the same into the County of Dufferin.

WHEREAS, the population of the Town of Orangeville and the Townships of Amaranth, Luther and East Garafraxa, Mono Mulumur, Melancthon and Adjala, was, according to the last census, twenty thousand two hundred, and the assessed value of the property comprised therein is three million, one hundred and forty-one thousand, nine hundred and sixty-eight dollars; And whereas many of the said corporations are inconveniently distant from the county towns of the counties of which they form part, and the said counties are of an unwieldy size; And whereas the said corporations are of such size and wealth, and their relative situation and trade relations are such as to render it fitting that they should (with the approval of the people) be formed into a new county; And whereas divers petitions have been presented, praying for the passing of this Act, and it is expedient to comply with the prayer of such petitions;

Preamble.

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

20 1. The reeves and deputy-reeves of the Town of Orangeville, in the County of Wellington, and of the townships of East Garafraxa, Amaranth and Luther, also in said County of Wellington; Melancthon, in the County of Grey, and Mono, Mulumur and Adjala in the County of Simcoe, shall form a Provisional Municipal Council, under the style and name of the Provisional Municipal Council of the County of Dufferin, for the purposes of this Act.

Formation of County of Dufferin.

30 2. It shall, upon the written request of a majority of the reeves and deputy-reeves of the town and townships aforesaid, be the duty of the Reeve of Orangeville, to call a meeting of the reeves and deputy-reeves of the said village and townships at such place and hour within the said village as he shall appoint, and a notice of such meeting shall be inserted in at least one of the newspapers published within the said counties of Wellington, Grey and Simcoe respectively, and a copy of such notice sent by mail or otherwise to each of such reeves and deputy-reeves, at least ten days before the day appointed for such meeting, and the said Provisional Council at the first meeting thereof, to be held under this Act, shall first proceed to elect a Provisional Warden; after which, at the same meeting, or some adjournment thereof, they shall proceed to pass a by-law

Meeting of reeves and deputy reeves

for election of warden.

Question of separation to be submitted to a vote of the electors.

for the purpose of taking a vote of the qualified municipal electors of the said townships and village on the question of a separation and erection into a new county, by a vote to be specially taken for that purpose, each qualified elector having one vote and voting "yea" or "nay," after at least ten days notice shall have been given in the manner to be provided by such by-law of the time and places when and where the vote is to be taken. 5

Provisional council to be dissolved if the vote be "nay."

3. The Provisional Council shall meet on the requisition of the Provisional Warden on some day after the day or days appointed for taking such vote, and proceed in open council to ascertain the number of votes recorded "yea" and "nay," and if the result shall shew that a majority of the votes recorded are "nay," then after making a record of the same in the minutes of the said Provisional Council, the said council shall be dissolved. 10 15

If vote be "yea," the county town to be Orangeville.

4. If the result shall show that a majority of the votes recorded are "yea" the said Provisional Council shall make a record thereof in their minutes; and in that event the county town of the new county shall be the Town of Orangeville. 20

Erection of county buildings.

5. The said Provisional Council shall and may thereafter pass a by-law for providing means for purchasing and acquiring lands, and for erecting the necessary county buildings thereon at Orangeville, but before its final passing, such by-law shall be submitted to the municipal electors of the said new county, and a vote shall be taken on the same in like manner as provided by the thirty-seventh section of the Act passed in the thirty-sixth year of Her Majesty's reign, and intituled "An Act respecting Municipal Institutions in the Province of Ontario," and after the final passing of such by-law, the said Provisional Council shall proceed to erect the necessary buildings. 25 30

County not to be separated until after proclamation of Lieutenant-Governor.

6. After the necessary buildings shall have been erected as aforesaid, the Lieutenant-Governor in Council shall, by proclamation, declare the said town and townships separated from the said counties to which they now belong, and declare them to be formed into a new county, under the name of the County of Dufferin, for all judicial and municipal purposes; but until the issue of such proclamation, the said town and townships shall remain as at present connected with the counties of which they respectively form part, for all such purposes. 35 40

Powers of provisional council prior to proclamation.

7. The Provisional Council aforesaid, shall prior to such proclamation have only the powers specially given to it by the preceding sections of this Act.

Powers of provisional council after proclamation.

8. After such proclamation, the Provisional Council shall and may have and exercise all the rights, powers, privileges and duties conferred on provisional municipal councils by law, and the provisions of any law in force in this Province in anywise affecting or relating to the proceedings consequent upon the dissolution of the union of united counties, shall apply as far as applicable to the separation of the village and townships aforesaid, from the respective counties of which they have heretofore formed part, and the erection thereof into a new county. 45 50

9. After such proclamation, the laws in force respecting the municipal institutions of this Province shall, as far as they are applicable and not inconsistent with this Act, apply to the said County of Dufferin. Existing laws to apply in new county.

5 10. After such proclamation, the corporations of Orangeville, East Garafraxa, Amaranth and Luther, shall respectively pay to the corporation of the County of Wellington, the corporation of Melancthon shall pay to the corporation of the County of Grey, and the corporations of Mono, Mulmur and Adjala shall Adjustment of existing liabilities of the various municipalities.

10 respectively pay to the corporation of the County of Simcoe, such proportion of the then outstanding liabilities of the counties of Wellington, Grey and Simcoe, respectively, in such manner as may be determined under the said Act, respecting the Municipal Institutions of the Province of Ontario.

3rd Session, 2nd Parliament, 37 Victoria, 1874.

BILL.

An Act to separate the Town of Orangeville and certain Townships in the Counties of Wellington, Grey and Simcoe from the said counties, and to erect the same into the County of Dufferin.

First Reading, 16th February, 1874.

(*PRIVATE BILL.*)

Mr. CLARKE, (Wellington).

TORONTO:

PRINTED BY HUNTER, ROSE & CO.

An Act respecting the City of Toronto Waterworks ;
and to amend the Act passed in the thirty-fifth year
of the reign of Her Majesty Queen Victoria, and
chaptered seventy-eight.

WHEREAS, by the petition of the City of Toronto Water Preamble.
Company, Louisa Priscilla Furniss, Administratrix of
the estate of her late husband, Albert Furniss, deceased,
Elizabeth Louise Elwes, (formerly Elizabeth Louise Furniss,)
5 Mary Helen Furniss, Albert Henry Furniss, Edmond Louis
Furniss, an infant under the age of twenty-one years, by his
duly appointed guardian, the said Louisa Priscilla Furniss, all
of the City of Toronto, in the County of York, Bernard Daniel
Furniss, and George Furniss, of the City of Montreal, in the
10 Province of Quebec, and John Joseph Furniss, of Bordeaux, in
France, the heirs and heiresses at law and next of kin of the
said Albert Furniss, deceased, it appearing that by the Act
passed in the thirty-fifth year of the reign of Her Majesty
Queen Victoria, and chaptered seventy-eight, certain works,
15 powers, rights, privileges and franchises therein mentioned,
were vested in the said Albert Furniss, deceased, in the man-
ner therein set out, and that it was intended by the said Act to
vest in the same manner all the works, powers, rights, privileges,
franchises and easements (including certain parcels of real
20 estate in the said City of Toronto), held and occupied and en-
joyed by the Metropolitan Water Company, incorporated by an
Act passed in the session of the Parliament of the late Pro-
vince of Canada, held in the twenty-fourth year of Her Majesty's
reign, and chaptered one hundred and one, and of and to which
25 works, powers, rights, privileges, franchises and easements, the
said Albert Furniss, was possessed and entitled, in the same
manner as the said other premises thereby vested in him ; but it
appears doubtful whether the said works, powers, rights, privi-
leges, franchises and easements, were by the said Act vested in him
30 as so intended to be done ; and that the said petitioners have by
agreement bearing date the twenty-seventh day of May, in the
year of our Lord one thousand eight hundred and seventy-
three, contracted to sell, and the corporation of the said City
of Toronto, by and through the agency of " The Water-works
35 Commission for the City of Toronto," have in pursuance of the
authority conferred by chapter seventy-nine of the statutes
of Ontario, passed in the thirty-fifth year of Her Majesty's
reign, contracted to purchase amongst other property all the
works, powers, rights, privileges, and franchises whatsoever,
40 and estate, real and personal, of or held and occupied and
enjoyed by the several companies mentioned in the said
Act, chaptered seventy-eight, and the said Albert Furniss,
deceased, and the said petitioners, including all the said works,

powers, rights, privileges, franchises and easements, and that in pursuance of such contract the said petitioners have executed a conveyance thereof, bearing date the seventeenth day of November, in the year of our Lord one thousand eight hundred and seventy-three, and the said Corporation of the City of Toronto are now in the occupation of the same; And whereas doubts have arisen as to the right of the said petitioners to sell and convey the same, and the said petitioners have by their said petition prayed that an Act may be passed confirming the said sale and vesting the said property in the said The Corporation of the City of Toronto, and it is expedient to grant the prayer of said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Confirmation
of sale by
Furniss to the
Corporation of
Toronto.

1. All the real and personal estate, works, powers, rights, privileges, authorities, franchises and easements, held and occupied and enjoyed by the said several companies, named in the said Act, passed in the thirty-fifth year of the reign of Her Majesty Queen Victoria, and chaptered seventy-eight, and by the said Albert Furniss, deceased, and by the said petitioners, and by the Metropolitan Water Company, or the president and directors and shareholders thereof, or by any or either of them, or by the said Albert Furniss, deceased, under the name of the Metropolitan Water Company, shall be and are hereby vested in the said The Corporation of the City of Toronto, and their successors, to hold under, and in pursuance of and for the purposes mentioned in the said Act, passed in the thirty-fifth year of the reign of Her said Majesty, chaptered seventy-nine, and the said sale and conveyance thereof by the said petitioners is hereby confirmed.

BILL.

An Act respecting the City of Toronto Water Works; and to amend cap. 73
35 Vic.

First Reading, 16th February, 1874

(PRIVATE BILL.)

MR. MEREDITH

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act respecting Water Works in the Town of Windsor.

WHEREAS, the corporation of the Town of Windsor have Preamble.

at an expense of one hundred thousand dollars established Water Works for the supply of water for culinary and other purposes to the inhabitants of Windsor, and the protection of property therein from fire: And whereas, the Municipal Council of the Corporation of the Town of Windsor have by petition, asked for an Act to provide for the better working, management and extension of the said water works, and to legalize and confirm by-law number two hundred and four, passed by the Town Council of Windsor, and approved by the ratepayers in aid of water works, and it is expedient to grant the prayer of said petitioners:

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the province of Ontario, enacts as follows:—

1. The water works already constructed or that may hereafter be constructed in the Town of Windsor, or in any adjacent municipality in extension thereof, under the provisions of this Act, shall be placed under the management of commissioners, and their successors, to be elected and appointed as hereinafter provided, who shall have power to design, construct, build, purchase, improve, alter, hold, and generally maintain manage and conduct water works, and all buildings, matters, machinery and appliances therewith connected or necessary thereto, in the Town of Windsor, and parts adjacent as hereinafter provided. Water works to be placed under management of commissioners.

2. The commissioners and their successors shall be a body corporate under the name of the "Water Commissioners of the Town of Windsor," and shall be composed of three members of whom the Mayor of the Town of Windsor for the time being, shall be ex-officio one, and the said commissioners shall have all the powers necessary to enable them to manage the system of water works now established, to extend the same, to construct new or additional ones, and to carry out all and every the other powers conferred upon them by this Act. Incorporation of commissioners.

3. It shall be the duty of the said commissioners to examine, consider, and decide upon all matters relative to the supplying the Town of Windsor, with a sufficient quantity of pure, and wholesome water for the use of its inhabitants. Duties of commissioners.

4. The commissioners shall have power to employ engineers, surveyors and such other persons, and to rent or purchase such lands, buildings and privileges, as in their opinion may be necessary to enable them, to fulfil their duties under this Act. Powers of commissioners.

Power to acquire lands.

Differences to be referred to arbitration.

Lands of infants, &c.

Award of arbitrators.

Meeting of arbitrators.

Oath of arbitrators.

Setting aside award.

5. It shall and may be lawful for the said commissioners, their agents, servants and workmen from time to time, and at such times hereafter, as they shall see fit, and they are hereby authorized and empowered to enter into and upon the lands of any person or persons, bodies politic or corporate in the Town of Windsor, or within ten miles of the said Town, and to survey set out and ascertain such parts thereof, as they may require for the purposes of the said water works, and to contract with the owner, or occupier of the said lands, and those having the right of any privilege that may be required for the purposes of the said water commissioners; and in case of any disagreement between the said commissioners, and the owners or occupiers of such lands, or any such privilege as aforesaid, respecting the amount of purchase or value thereof, or as to the damages such appropriations shall cause to them or otherwise, the same shall be decided by three arbitrators to be appointed as hereinafter mentioned; namely, the commissioners shall appoint one, the owner or owners shall appoint another, and such arbitrators shall within ten days after their appointment, appoint a third arbitrator; but in the events of such two arbitrators not appointing a third arbitrator within the time aforesaid, the Judge of the County Court of the County of Essex, shall on the application by either party appoint such third arbitrator, in case any such owner or occupiers shall be an infant, married woman, or insane, or absent from this Province, or shall refuse to appoint an arbitrator on his behalf, or in case such land or water privileges may be mortgaged, or pledged to any person or persons, the Judge of the County Court of the County of Essex, on application being made to him for that purpose by the commissioners, shall nominate and appoint three indifferent persons as arbitrators; the arbitrators to be appointed, as hereinbefore mentioned, shall award, determine, adjudge and order the respective sums of money which the said commissioners shall pay to the respective persons entitled to receive the same, and the award of the majority of the said arbitrators in writing shall be final; and said arbitrators shall be, and they are hereby required to attend at some convenient place at or in the vicinity of the said town, to be appointed by the said commissioners, after eight days' notice given for that purpose by the said commissioners, there and then to arbitrate and award, adjudge and determine such matters and things as shall be submitted to their consideration by the parties interested; and also the costs attending said reference and award, and each arbitrator shall be sworn before some one of Her Majesty's Justices of the Peace in and for the said County of Essex, or the Police Magistrate or Mayor for the said Town of Windsor, well, and truly to assess the value or damages between the parties to the best of his judgment; and the Justice of the Peace or Police Magistrate or Mayor before whom the said arbitrators or any of them, shall be sworn, shall give either of the parties requiring the same a certificate to that effect; Provided always, that any award under this Act, shall be subject to be set aside on application to the Court of Queen's Bench, or Common Pleas, in the same manner, and on the same grounds, as in ordinary cases of arbitration, in which case a reference may be again made to arbitration, as hereinbefore provided, and any sum so awarded shall be paid within three calendar months from the date of the award, or determination of any motion to annul the same, and in default of such payment, the proprietor may resume pos-

session of his property, and all his right shall thereupon revive, and the award of the majority of the said arbitrators shall be binding on all parties concerned, subject as aforesaid.

6. The lands privileges and water which shall be ascertained, 5 set out or appropriated by the said commissioners for the purposes thereof, as aforesaid, shall thereupon and forever thereafter be vested in the corporation of the town of Windsor and their successors, and it shall and may be lawful for the said commissioners and their successors to construct, erect and 10 maintain in and upon the said lands all such reservoirs, water-works and machinery requisite for the said undertaking, and to convey the water thereto and therefrom in, upon or through any of the grounds and lands lying intermediate between the said reservoirs and water works and the said town of Windsor, 15 by one or more lines of pipes, as may from time to time be found necessary; and for the better effecting the purposes aforesaid the said commissioners and their successors and servants are hereby empowered to enter and pass upon and over the grounds, roads, highways, railways and lands intermediate as aforesaid, 20 and the same to cut and dig up if necessary, and to lay down the said pipes through the same, and in, upon, over, under and through the highways, railways and roads within ten miles of the town of Windsor, and in, through, over and under the lands, grounds and premises of any person or persons, bodies corporate or politic, and to set out, ascertain, use and occupy such 25 part or parts thereof as they, the said commissioners or their successors shall think necessary and proper for the making and maintaining of the said works, or for the opening of new streets required for the same, and for the purchasing of any lands required for the protection of the said works, or for preserving 30 the purity of the water supply, or for taking up, removing, altering or repairing the same, and for distributing water to the inhabitants of the town of Windsor, or for the uses of the corporation of the said town, or of the proprietors or occupiers of 35 the lands through or near which the same may pass, and for this purpose to sink and lay down pipes, tanks, reservoirs and other conveniences, and from time to time to alter all or any of the said works, as well in the position as in the construction thereof, as to the said commissioners or their successors shall seem 40 meet, doing as little damage as may be in the execution of the powers hereby granted to them, and making reasonable and adequate satisfaction to the proprietors, to be ascertained in case of disagreement by arbitration as aforesaid; and all such water works, pipes, erections and machinery requisite for the 45 said undertaking shall likewise be vested in and be the property of the said corporation of the town of Windsor.

Lands, &c.,
acquired by
commissioners
to be vested in
town of Wind-
sor.

Construction
of works, lay-
ing pipes, &c.

Works to be-
long to town.

7. If any person shall wilfully or maliciously hinder or in- 5 terrupt, or cause or procure to be hindered or interrupted, the said commissioners or their managers, contractors, servants, 50 agents, workmen or any of them in the exercise of any of the powers and authorities in this Act authorized and contained; or if any person shall wilfully or maliciously let off or discharge any water so that the same shall run waste or useless out of the said works; or if any person shall throw or deposit any injuri- ous, noisome or offensive matter into the said water or water 55 works, or upon the ice, or in any way foul the same, or commit any wilful damage or injury to the works, pipes or water,

Injury, &c., to
works.

or encourage the same to be done, every person offending in any of the cases aforesaid shall, on conviction thereof before any justice of the peace having jurisdiction within the locality where the offence shall be committed, forfeit and pay for every such offence a sum not exceeding twenty dollars, together with the costs of conviction, one half to be applied to the use of the commissioners for water works purposes, and the other half to him or her who shall lay information; and in case the parties suing for the same shall be the commissioners themselves or any of their servants, officers, agents or workmen, then the whole of the said penalty shall be applied to the uses of the commissioners for water works purposes; and such justice may also in his discretion further condemn such person to be confined in the common gaol of the county of Essex for any period not exceeding one calendar month as to such justice shall seem meet, and such person or persons so offending shall be liable to an action at law, at the suit of the commissioners, to make good any damage done by him, her or them.

Exemption
from execu-
tion.

8. All materials procured or partially procured under contract with the commissioners and upon which the said commissioners shall have made advances in accordance with such contract shall be exempt from execution.

Books and ac-
counts of com-
missioners.

9. The said commissioners shall be, and they are hereby required to keep or cause to be kept, regular books of account, and books for recording the whole of their official proceedings; and the commissioners and the clerks employed in their service, shall be sworn before a Justice of the Peace to the faithful performance of their duties; and all such books shall be open to the examination of any councillor of the Town of Windsor, or of any person or persons appointed for that purpose by the Corporation of the town of Windsor; and shall annually on or before the thirty-first day of December, in each and every year, make a report to the Corporation of the Town of Windsor, of the condition of the works under their charge, accompanied by a statement of their receipts and expenditure on account of the same.

Annual state-
ment.

Full statement
to be delivered
to council an-
nually.

10. The commissioners and their successors shall from time to time in each year, deliver to the council of said Corporation such other statement of the affairs of the said water works, as the said Corporation may consider necessary, and which will afford to the ratepayers of Windsor a full and complete knowledge of the state of affairs of the said water works, and such information as may be required by the Corporation of the Town of Windsor, and all the accounts relating to the said water works, may be audited by the auditor of the said Corporation in regular course.

Regulations
for use of
water.

11. The commissioners for the time being shall regulate the distribution and use of the water, in all places and for all purposes where the same may be required, and from time to time shall fix the prices for the use thereof, and the times of payment; and they may erect such number of public hydrants, and in such places as they shall see fit, and direct in what manner and for what purpose the same shall be used; all which they may change at their discretion: Provided always, that all hydrants, conduits, or other appliances, which the Corporation of

Location of
hydrants, &c.

the Town of Windsor may require under this Act, for the purpose of extinguishment of fires, shall be placed as the Corporation of the Town of Windsor shall direct, and shall be under their exclusive control and direction when erected.

- 5 **12.** The commissioners shall have power and authority, and it shall be their duty from time to time to fix the price, rate or rent, which any owner or occupant of any house, tenement, lot or part of a lot, or both, in through or past which the water pipes shall run, shall pay as water rate or rent, whether such
 10 owner or occupant shall use the water or not, having due regard to the assessment and to any special benefit and advantage derived by such owner or occupant, or conferred upon him or her or their property, by the water works and the locality in which the same is situated, and such water rate or rent, as shall be
 15 assessed by such commissioners upon such owner or occupant shall be, and continue a lien or charge, unless paid upon such real estate in the same way and manner as other taxes assessed on real estate in the said town of Windsor, are liens; and the Water Commissioners shall also have power and authority, from
 20 time to time, to fix the rate or rent to be paid for the use of the water by hydrants, fire plugs and public buildings.

Water rate.

- 13.** All water rents and water rates, when collected, less disbursements by the commissioners, shall be paid over quarterly by the said commissioners to the Treasurer of the
 25 Town of Windsor.

Water rates to be delivered to treasurer of town.

- 14.** The commissioners shall have power from time to time to make and enforce all necessary by-laws, rules and regulations for the general maintenance, or the management and conduct of the said water works, officers and others employed by them, not
 30 inconsistent with this Act; and for the collection of the said water rent and water rate, and for fixing the time and times (which shall be quarterly) when, and the places where, the same shall be payable; also for allowing a discount for prepayment, and in case of default in payment, to enforce payment by shut-
 35 ting off the water or by suit at law before any court of competent jurisdiction, or by distress and sale of the goods and chattels of such owner or occupant, or of any goods and chattels in his or her possession, wherever the same may be found within the town of Windsor or the county of Essex, or
 40 of any goods and chattels found on the premises, the property of, or in the possession of any other occupant of the premises; such distress and sales shall be conducted in the same manner as sales are now conducted for arrears of town taxes, and the costs chargeable shall be those payable to bailiffs under the
 45 Division Court Act: Provided, that the attempt to collect such rates by any process hereinbefore mentioned, shall not in any way invalidate the lien upon such premises.

By-laws as to management, &c.

Enforcing payment.

- 15.** The commissioners may prosecute or defend any actions or process at law or in equity, by the name of "The Water Com-
 50 missioners of the Town of Windsor," against any person or persons for money due for the use of the water, for the breach of any contract, express or implied, touching the execution or management of the works, or the distribution of the water, or of any promise or contract made to or with them, and also for any
 25 injury or trespass or nuisance done or suffered to the water

Commissioners may sue and be sued as a Corporation.

courses, source of water supply, pipes, machinery, or any apparatus belonging to or connected with any part of the works, or for any improper use or waste of the water, or for anything otherwise arising out of their said office as Commissioners.

2

Appointment
of collectors,
&c.

16. The commissioners by by-law shall have power, with the consent of the corporation of the town of Windsor, to employ the town collectors, assessors and such other persons as in their opinion may be necessary to carry out the object of this Act, and to specify the duties of such persons so employed, 10 and to fix their compensation; and all such persons shall hold their offices under the commissioners, at the pleasure of the commissioners, or as they shall determine by by-law in that behalf; and shall give such security as the commissioners shall from time to time require, and such assessors and 15 collectors shall have as full power in the performance and enforcement of the matters to them committed as the assessors and collectors in the town of Windsor may by by-law possess and enjoy.

Security to be
given.

Protection of
commissioners.

17. The commissioners and their officers shall have the 20 like protection in the exercise of their respective offices and the execution of their duties, as justices of the peace now have under the laws of this Province.

Using water
without con-
sent of com-
missioners.

Penalty.

18. If any person or persons shall lay, or cause to be laid, any pipe or main to communicate with any pipe or main of the 25 said water works, or in any way obtain or use any water thereof without the consent of the commissioners, he or they shall forfeit and pay to the commissioners, for water works purposes, the sum of fifty dollars, and also a further sum of five dollars for each day or part of a day, or night or part of a 30 night such pipe or main shall so remain, which said sums together with costs of suit in that behalf, may be recovered by civil action in any court of law in the Province having civil jurisdiction to that amount.

Fouling the
water.

Penalty.

19. If any person shall bathe, or wash or cleanse any cloth, 35 wool, leather, skin or animals, or place any nuisance or offensive thing within the distance of one mile from the source of supply, in the River Detroit or on Lake St. Clair, from which the water of the said water works is obtained, or shall convey, or cast, or throw, or put any filth, dirt, dead carcasses, or other 40 noisome or offensive things therein, or within the distance as above set out, or cause, permit or suffer the water of any sink, sewer or drain to run or be conveyed into the same, or cause any other thing to be done whereby the water therein may be in anywise tainted or fouled, every such person shall, on 45 conviction thereof before any justice of the peace, be by such justice adjudged and condemned to pay a penalty for every such offence not exceeding twenty dollars, together with costs, one half to be applied for water works purposes, and the other half to him or her who shall lay the information, and in case 50 the party laying such information be the commissioners themselves, or any of their officers or servants, then the whole of said penalty shall be applied to the uses of the commissioners for water works purposes, and each justice shall also in his discretion further condemn such person to be confined in the com- 55

mon gaol for a space of time not exceeding one calendar month, with or without hard labor, as to such justice may seem meet.

20. It shall and may be lawful for the commissioners, and they are authorised and empowered to make such by-laws as 5 to them shall seem requisite and necessary for prohibiting by fine not exceeding twenty dollars, for water works, purposes, or imprisonment not exceeding one calendar month, the amount of such fine and duration of such imprisonment, and also the option between fine and imprisonment, with or without hard 10 labour being always in the discretion of the Justice of the peace before whom any proceeding may be taken for enforcement thereof, any person being occupant, tenant or inmate of any house supplied with water from the said water works, from lending, selling or disposing of the water thereof, from giving 15 it away or permitting it to be taken or carried away, or from using or applying it to the use or benefit of others, or to any other than to his, her, or their own use and benefit, or from increasing the supply of water agreed for with the said Commissioners, or from wrongfully neglecting or improperly wasting 20 the water as also for regulating the time, manner, extent and nature of the supply by the said works, the tenement of parties to which and to whom the same shall be furnished, the price or prices to be exacted therefor, and each and every other matter or thing relating to or connected therewith which it 25 may be necessary or proper to direct, regulate or determine for issuing to the inhabitants of the town a continued and abundant supply of pure and wholesome water, and to prevent the practicing of frauds upon the Commissioners with regard to the water so supplied.

Power to pass by laws for preventing sale of water, and frauds on commissioners.

30 21. In all cases where a vacant space intervenes between the line of the street and the wall of the building into which the water is to be taken, the commissioners are empowered to lay the service pipes across such vacant space, and charge the cost of the same to the owners of the premises, such charge to 35 be payable with the first payment of water rates, and to be collected in the same manner from the said owners.

Service pipes may be laid and charged to owners of premises,

22. The service pipe from the line of street to the interior face of the outer wall of the building supplied, together with all branches, couplings, stopcocks and apparatus placed therein 40 by the Commissioners, shall be under their control, and if any damages be done to this portion of the service pipe or its fittings, either by neglect or otherwise, the commissioners may repair the same, and charge the same to the occupant or owner of the premises; the stopcock placed by the commissioners 45 inside of the wall of the building, shall not be used by the water tenant, except in cases of accident or for the protection of the building or the pipes, and to prevent flooding of premises.

but shall be under control of commissioners.

Use of stop-cock.

23. All parties supplied with water by the commissioners, 50 may be required to place only such taps for the drawing and shutting of the water, as may be approved of by the commissioners.

Taps.

24. Neither the water commissioners nor the corporation of the town of Windsor, shall be liable for damages caused by the breaking of any service pipe or attachment, or for any shutting 55

Non-liability for damage from pipes breaking.

off the water to repair mains or to tap the pipes, provided notice be given of the intention to shut off the water when the same is shut off more than six hours at any one time.

Paper to inspect buildings.

25 It shall be lawful for the officers of the water commissioners and every person authorized by them for that purpose, to have free access at proper hours of the day, and upon reasonable notice given and request made for that purpose, to all parts of every building in which water is delivered and consumed. 5

Obstruction of hydrants, &c.

26. If any person or persons, not being in the employment of the water commissioners, or not being a member of the fire brigade of the said town, and duly authorized in that behalf, shall wilfully open or close any hydrant, or obstruct the free access to any hydrant, stopcock, chamber or hydrant chamber, by placing on it any building material, rubbish or otherwise, every such person shall on conviction before any of Her Majesty's Justices of the Peace, forfeit and pay for each offence a sum not exceeding twenty dollars for water works purposes, or in default of payment to be imprisoned in the gaol of the county, for a term not exceeding thirty days, and each time the said hydrants are so interfered with, and each day or part of a day, night or part of a night said obstruction shall continue, shall be considered a separate offence. 10 15 20

Penalty.

Quorum of commissioners.

27. A majority of said commissioners shall constitute a quorum for the transaction of any business allowed or required by virtue of this Act. 25

Extension of water pipes to suburbs or town.

28. The water commissioners are hereby empowered to arrange for the extension of pipes in suburbs or partially built portions of the town, by allowing a deduction from the price charged for the water to such extent as the commissioners shall see fit, when the said pipes are laid at the cost of the parties under the directions of the commissioners and subject to their approval, or the commissioners may lay the pipes charging the said parties in addition to the usual water rates, a yearly interest upon the cost of such extension, which interest, or such portion thereof as shall then be due, shall be paid at the same time and collected in the same manner as the water rates. 30 35

Supplying water to others than residents of town.

29. The water commissioners shall have power and authority to supply any corporation, person or persons with water, although not being resident within the town of Windsor, and may exercise all other powers necessary to the carrying out of, their agreements with such corporation or persons, as well within the town of Sandwich and the townships of Sandwich, East and Sandwich West, as within the town of Windsor; and they may also from time to time make and carry out any agreement which they may deem expedient for the supply of water to any railway company or manufactory, provided that no power shall be exercised under this clause without the consent and approbation of the corporation of the town of Windsor. 40 45 50

Exemption from taxation.

30. The land, buildings, machinery, reservoirs, pipes, and all other real or personal property connected with or appertaining or belonging to the water works, shall be exempt from taxation.

31. If any action or suit be brought against any person or persons for anything done in pursuance of this Act, the same shall be brought within six calendar months next after the act committed, or in case there shall be a continuation of damages, then within one year after the original cause of such action arising.

Limitation to time for bringing prosecutions.

32. The watchman and other officers of the water commissioners, when in the discharge of their duty, shall be ex-officio possessed of all the powers and authorities of officers of the peace.

Powers of watchmen, &c.

33. For the purpose of acquiring the necessary lands, rights and privileges, for the extension and repairs of the said water works, or for the purpose of meeting the payment of any other matter or thing contemplated or allowed by this Act, the Corporation of the Town of Windsor shall have power to issue debentures of the said Town of Windsor, to be called "Water Works Debentures," for a sum of money not-exceeding three hundred thousand dollars of lawful money of Canada, inclusive of the debentures for water works already issued, in such sums not less than one hundred dollars, or twenty pounds sterling money, as shall to said corporation seem expedient, which debentures shall become payable in manner, and at the times following, that is to say, within a period of thirty years, from the date of the respective issues thereof, and shall bear interest after a rate not exceeding seven per centum per annum, such interest to be payable half yearly, and shall have coupons attached for the payment of the said half yearly interest, and such debentures shall be signed by the Mayor and treasurer of said town for the time being, and may be made payable either in sterling or currency in this Province, Great Britain, or elsewhere, as to the Council of the Corporation of the Town of Windsor shall seem expedient; and the Corporation of the Town of Windsor and their successors shall, for the purpose of providing a sinking fund for the payment of the said debentures as aforesaid, and the interest on the same semi-annually, raise annually after the completion of said works, or at the expiration of three years from the date of the first issue of such debentures, such sums as may be necessary to pay the interest upon and provide a sinking fund to meet the whole of such debentures in full, as the same shall become due respectively, and shall order a rate for that purpose to be settled, imposed, and levied in each and every year to pay the said principal and interest on such debentures: But every by-law for raising upon the credit of the said municipality any money, additional to that already raised for water works purposes, shall, before the final passing thereof, receive the assent of the electors of the town of Windsor, in the manner provided for in the two hundred and thirty-first section of the Municipal Institutions Act; except that the Municipal Council of Windsor may raise by by-law or by-laws, without submitting the same for the assent of the electors of the town, any sum or sums, not exceeding in any one year, thirty thousand dollars for water works purposes.

Power to issue debentures.

Sinking fund.

34. Such debentures, when issued, shall be deposited in some of the chartered banks having an office in the town of Windsor, and the proceeds of such debentures shall be paid into

Deposit and application of proceeds of debentures.

some chartered bank and kept separate from any other funds of the said town, and the same shall only be paid out on the cheque of the Mayor and treasurer for the time being, of the town of Windsor, and the chairman for the time being of the said water commissioners, as may from time to time be required, for the payment and discharge of the liabilities that may be incurred in carrying out the improvements contemplated by this Act, and for the payment of interest accruing due on the said debentures during the period of the erection and completion of the said water works: Provided always, that nothing herein contained shall prevent the commissioners, should they deem it advisable so to do, from paying the contractor or contractors, or others, in debentures either at par or at such rate of discount as the commissioners shall in their judgment deem advisable, with the assent of the corporation of the town of Windsor thereto, nor from selling or negotiating the same, as to them may seem most expedient and advantageous to the interests of the town of Windsor.

Holders of debentures to have a lien upon works.

35. The water works already constructed, or to be constructed, together with the lands to be acquired for the purpose thereof, and every matter and thing therewith connected shall be, and they are hereby specially charged, pledged, mortgaged, and hypothecated for the repayment of any sum or sums borrowed by the said corporation for the construction of the said water works, notwithstanding anything that may be contained in the by-laws whereon the said sum of one hundred thousand dollars has already been borrowed, and for the repayment of any sum or sums which may be borrowed by the said corporation for the extension of the said water works, as well as for the due and punctual payment of the interest thereupon; and all, each, and every of the holders of the said debentures shall have a preferential pledge, mortgage, hypothec, or privilege on the said lands, water works, and property appertaining thereto, for securing the payment of the said debentures and the interest thereon.

Application of revenue.

36. All the revenues arising from or out of the supplying of water or from the real, or personal property connected with the said water works, to be acquired by the said corporation under this Act, shall after providing for the expenses attendant upon the maintenance of the said water works, be paid over to, and deposited quarterly with the treasurer of the said corporation of the Town of Windsor, as hereinbefore provided, and shall make part of the general funds of the corporation, and may be applied accordingly.

Town may dispose of property acquired for water works purposes.

37. The corporation of the Town of Windsor, may dispose of any real or personal property acquired by them for water works purposes, when no longer required, and until sold, demise and lease the same.

Number of election of commissioners.

38. There shall be three commissioners of whom the mayor of the Town of Windsor, for the time being, shall be ex-officio one, and two of whom shall be elected by the ratepayers of the said town, qualified by municipal law to vote for councillors, in manner, and for the term hereinafter mentioned and provided, and the remuneration of the said commissioners shall be such as the council of the corporation of the Town of Windsor may by by-law, before their election, determine.

39. The said water commissioners shall hold office for the term of two years, except the commissioners first elected, who shall determine by lot which of them shall retire first; the one retiring, first shall hold office until the third Monday in January following his election, and the second until the third Monday in January following the first year of his election; and after the said first election, the commissioners shall be elected to the said office, at the same time, and in the same manner, as the mayor and reeves, and all the provisions and remedies of the Municipal Institutions Act at any time in force with respect to councillors shall apply in all particulars, not inconsistent with this Act, to the said commissioners, as to election, unseating, filling vacancies, grounds of disqualification, and otherwise.

Term of office.

Municipal Act to apply.

40. After the passing of this Act, a meeting of the electors of the said town shall take place, for the nomination of two persons for the office of water commissioners, at such time and place, as the council shall by by-law appoint, and proceedings at such meeting shall be similar as in the case of the nomination for mayor and reeves, but in case it become necessary to adjourn the proceedings by reason of more than the necessary numbers of candidates being proposed, such adjournment for holding the election, shall be until the first Wednesday thereafter, being not less than five clear days, when a poll shall be opened in each ward of the town, at the place, or near thereto, where the then last municipal election was held, and in all particulars the election shall be conducted in the same manner as an election for mayor and reeves.

Nomination of commissioners.

Poll.

41. A water commissioner may resign his office, and shall cease to hold office for the same cause as by municipal law, the seat of a member of the town council becomes vacant; and in case of a vacancy in the office of water commissioner during the term of his office, the vacancy shall be filled in the same manner as provided in the Municipal Institutions Act as to vacancies in the council of a town.

Commissioners may resign.

42. All work under the commissioners shall be performed by contract.

Works to be contracted for.

43. No commissioner or member of the town council shall personally have or hold any contract in connection with said works, or be directly or indirectly interested in the same or any of them; no member of the council shall be eligible for election or appointment as a water commissioner, and no water commissioner as a member of the council.

Councillmen not to hold contracts or be eligible to office

44. The water commissioners shall have the same property qualification as, by municipal law members of the town council are required to have over and above all incumbrances; and shall, before taking office and within two weeks of their election or appointment, make oath to such qualification before some justice of the peace of the town of Windsor or County of Essex, and deposit the same with the Town Clerk of the Corporation of the Town of Windsor.

Qualification of commissioners.

45. Notwithstanding the provisions of this Act, authorizing the working, management and extension of the water works of

If town Corporation wish to manage works,

power of com-
missioners
given to them.

the said Town of Windsor through the agency of commissioners, if the Corporation of the town of Windsor shall desire to retain the working and management in its own hands, then all the powers, rights, authorities, duties and liabilities by this Act given to, granted vested in the said commissioners shall be vested in the said Corporation, and the said Corporation shall be vested with all the powers, privileges and immunities necessary for carrying into effect the intentions and objects of this Act.

5

A certain by-
law declared
valid.

46. The by-law No. 204 of the Corporation of the town of Windsor intituled a by-law to raise by way of loan the sum of \$40,000, to aid in the construction of water works in the town of Windsor, passed by the Town Council after having been approved by the rate-payers of the said Town of Windsor, is hereby declared legal, and the debentures issued under the said by-law binding and valid upon the said Corporation of the town of Windsor the same as if no defect existed in said by-law, any law or statute to the contrary, notwithstanding.

15

Act not to pre-
vent town bor-
rowing money.

47 Nothing in this Act contained shall extend or be construed to extend to diminish the power and authority of the Corporation aforesaid, hereafter to borrow on the credit of the said town, for the general uses and purposes of the said town, as fully and effectually as though the said town were not indebted for the building of the water works as aforesaid, or that debentures had not been issued by them for the amount, or as if this Act had not been passed, any act, statute or law, or provision thereof to the contrary, notwithstanding.

20

25

3rd Session, 2nd Parliament, 36 Victoria, 1874.

BILL.

An Act respecting Water Works in the
Town of Windsor.

First Reading, 16th February, 1874.

(PRIVATE BILL.)

Mr. PRINCE.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act respecting a Concession Line in the Township
of Sandwich West, in the County of Essex.

WHEREAS, the Municipal Council of the Corporation of Sandwich West, in the County of Essex, and the parties interested in the road hereinafter mentioned, have petitioned that the line of road between the second and third concessions of the said township shall be defined by Statute, and have shown sufficient reasons for legislation in the premises ;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

- 10 **1.** The line of road between the second and third concessions of the Township of Sandwich West, Parish of Petite Cote, in the County of Essex, of this Province, shall be and is hereby declared to be the line which was surveyed, and laid down and marked by stone monuments, by Edward R. Jones, Provincial
15 Land Surveyor, under authority and by direction of the Commissioner of Crown Lands, in manner shown and described in and by his report and plan of survey of the said line, dated the fourteenth December, one thousand eight hundred and sixty-two, confirmed by the said Commissioner, and filed in the
20 department of Crown Lands.

E. R. Jones' line between 2nd and 3rd concession Sandwich West confirmed.

- 2.** This Act shall not in any way effect the right of owners of real estate, except in so far as applies to the land occupied by the said road.

Effect of Act on owners of land.

BILL.

An Act respecting a Concession Line in
the Township of Sandwich West, County
of Essex.

First Reading, 16th February, 1874.

(*PRIVATE BILL.*)

MR. PRINCE.

TORONTO:

Printed by HUNTER, ROSE, & Co.

An Act to incorporate "The Sarnia Street Railway Company."

WHEREAS, Charles Taylor, George Leys, J. G. McCrae, Preamble.

James King, Robert S. Chalmers, Charles Mackenzie, James A. Smith and others, have by their petition prayed for an Act of incorporation, under the name of "The Sarnia Street Railway Company," for the purpose of constructing and operating a street railway in the Town of Sarnia, and adjoining municipalities; and whereas, it is expedient to grant the prayer of the petitioners:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The said Charles Taylor, George Leys, J. G. McCrae, Incorporation. James King, Robert S. Chalmers, Charles Mackenzie, James A. Smith, and such other persons as shall become shareholders of the said company, are hereby constituted a body corporate and politic, under the of "The Sarnia Street Railway Company." Corporate name.

2. The capital of the company shall be twenty thousand dollars, in shares of fifty dollars each; but the capital stock may be increased by the shareholders as hereinafter provided. Stock.

3. Charles Taylor, George Leys, J. G. McCrae, James King, Robert S. Chalmers, Charles Mackenzie and James A. Smith, shall be provisional directors of said company, to obtain subscriptions for stock, and organize said company, and shall hold office until the election of directors, as hereinafter provided for. Provisional directors.

4. So soon as ten thousand dollars of the capital stock has been subscribed, and twenty per centum thereon paid up, the shareholders shall proceed to the election of a board of directors for the said company, and the provisional directors, or a majority of them, shall call a meeting of the shareholders for that purpose, first giving two weeks' notice thereof, in some newspaper published in the Town of Sarnia. Election of directors.

5. The board of directors shall consist of seven directors, each of whom shall be a shareholder of not less than one hundred dollars, and four directors to constitute a quorum; such election, and every question to be decided at such meeting, shall be by ballot, by a plurality of votes of the stockholders present in person, or represented by written proxy, each share to have one vote; the directors so chosen shall immediately elect one of their own number to be president, and another to be vice-president, which president, vice-president, and directors shall Qualification. President.

Vacancies.

continue in office for one year, and until others shall be chosen to fill their places ; and if any vacancy shall at any time happen by death, resignation, or otherwise, during said year, in the office of president, vice-president, or directors, the remainder of such directors shall supply such vacancy for the remainder of the year ; and the election of directors shall take place annually, either on the anniversary of the day of the first election of directors, or such other day as may be fixed by by-law, as hereinafter mentioned. 5

Commencement of operations.

6. So soon as stock to the amount aforesaid shall have been subscribed and twenty per centum thereof paid up, and the said board shall have been elected in manner aforesaid, the company may commence operations, and exercise the powers hereby granted ; but the company shall commence operations within two years from the passing of this Act. 10 15

Powers of the company.

7. The company are hereby authorized and empowered to construct, maintain, complete and operate a double or single iron railway, with the necessary side tracks, switches, and turn outs, for the passage of cars, carriages, and other vehicles adapted to the same, upon and along streets and highways within the jurisdiction of the Corporation of the Town of Sarnia, and of any of the adjoining municipalities, as the company may be authorized to pass along, under and subject to any agreement hereafter to be made between the council of the said town, and of said municipalities respectively, or any of them, made in pursuance thereof, and to take, transport, and carry passengers and freight upon the same, by the force or power of animals, or such other motive power as they may be authorized by the council of said town and municipalities respectively by by-law to use, and to construct and maintain all necessary works, buildings, appliances, and conveniences connected therewith. 20 25 30

Powers of the directors.

8. The directors shall have full power to make all by-laws for the management of the company ; the acquirement, management, and disposition of its stock, property, and effects, and of its affairs and business ; the making and collection of calls on its stocks, and forfeiture thereof for non-payment ; the entering into arrangements and contracts with the said town or municipalities ; the declaration and payment of dividends out of the profits of said company ; the form and issuing of stock certificates, and the transfer of shares ; the calling of special and general meetings of the company ; the appointment, removal, and remuneration of all officers, clerks, workmen, and servants of the company ; the fares to be received from passengers and freight transported over the railway or any part thereof ; the intervals of time in running each car ; the time within which on each day the cars shall be run ; the speed of running the same ; and in general, to do all things that may be necessary to carry out the objects, and the exercise of any powers incident to the company : Provided always, that the fares shall not exceed for each passenger six cents for any distance of three miles and under, and one cent per mile in addition for all distances over three miles, the fraction of a mile being considered as one mile. 35 40 45 50

Stock to be personal.

9. The stock of the company shall be deemed personal estate, and shall be transferable in such way as the directors shall by by-law direct. 55

10. The company may purchase, lease, hold, or acquire and transfer any real or personal estate necessary for carrying on the operations of the company. Powers as to real estate.

11. If the election of directors be not made on the day appointed by this Act, the company shall not, for that reason, be dissolved; but the stockholders may hold the election on any other day, in the manner provided for by any by-law passed by the directors for that purpose, and all acts of the directors, until their successors are appointed, shall be valid, and binding upon the company. Non election of officers not to dissolve company.

12. The directors of the company may, from to time, increase the capital of the said company for such amount or amounts as occasion may require, and also raise or borrow, for the purposes of the company, any sum or sums, not exceeding in the whole at any time the actual amount of capital stock bona fide subscribed and paid up by the issue of bonds or debentures, in sums of not less than one hundred dollars, on such terms and credit as they may think proper, and may pledge or mortgage all the property, tolls, and income of the company, or any part thereof, for the repayment of the moneys so raised or borrowed, and the interest therein: Provided always, that the consent of two-thirds in value of the stockholders of the company present, or represented by proxy at said meeting, shall be first had and obtained, at a special meeting to be called and held for either or both of the purposes aforesaid. Company may borrow money.

13. The Council of the said town, and of any of the adjoining municipalities, or any of them, and the said company, are respectively hereby authorized to make and to enter into any agreements or covenants relating to the construction of the said railway, for the paving, macadamizing, repairing and grading of the streets or highways; and the construction, opening and repairing of drains and sewers; and the laying of gas and water pipes in the said streets and highways; the location of the railway, and the particular streets along which the same shall be laid; the pattern of rail; the time and speed of running of the cars; the time within which the works are to be commenced, the manner of proceeding with the same, and the time for completion; and generally for the safety and convenience of the passengers; the conduct of the agents and servants of the company; and the non-impeding or obstructing of the ordinary traffic. Town and adjoining municipalities may make agreements regarding construction of railway, &c.

14. The said town, and the said municipalities, are hereby authorized to pass any by-law or by-laws, and to amend, repeal, or enact the same for the purpose of carrying into effect any such agreements, covenants, and containing all such necessary clauses, provisions, rules, and regulations for the conduct of all parties concerned, including the company, and for the enforcing obedience thereto, and also for the facilitating the running of the company's cars, and for regulating the traffic and conduct of all persons travelling upon the streets and highways through which the said railway may pass. By-laws regarding roads.

15. The company may substitute sleighs for railway carriages, during the winter months, upon the route of their railway. May use sleighs.

16. The fare shall be due and payable by every passenger upon entering the car or sleigh; and any person refusing to pay fare. Penalty for refusing to pay fare.

when demanded by the conductor or driver, and refusing to quit the car or sleigh, shall be liable to a fine not less than five dollars, recoverable before any Justice of the Peace.

Manner of
laying the
rails.

Right of rail-
way to road.

17. The rails of the railway shall be laid flush with the streets and highways, and the railway track shall conform to the grades of the same, so as to offer the least possible impediment to the ordinary traffic of the said streets and highways, and all other ordinary vehicles shall be permitted to use and travel in the said tracks, provided they do not interfere with, or impede the running of the cars or sleighs of the company; and in all cases any carriage or vehicle on the track shall immediately give place to the cars, carriages, sleighs or other conveyance of the company, by running off the track. 5 10

3rd Session, 2nd Parliament, 37 Vict., 1874.

BILL

An Act to incorporate The Sarnia Street
Railway Company.

First Reading, 16th February, 1874.

(PRIVATE BILL.)

MR. PARDEE.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act to amend the Act incorporating the St.
Thomas Cemetery Company,

WHEREAS, the St. Thomas Cemetery was originally located Preamble.

on the south part of lot number two in the eighth concession of Yarmouth, in the county of Elgin, namely, before the passing of the Act of the Parliament of the late Province of Canada passed in the session held in the thirteenth and fourteenth years of the reign of Her Majesty Queen Victoria, and chaptered seventy-six, for the establishment of Cemetery Companies, located without the limits of cities and towns, and before the limits of the Town of St. Thomas were established; And whereas the Town of St. Thomas was incorporated, leaving the said cemetery lands situated within and on the southerly limit of said town; And whereas it is desirable to continue the usefulness of this cemetery, which is a public cemetery, and that all the powers and provisions of the Act, passed in twenty-eighth year of the reign of Her said Majesty, and chaptered fifty-eight, to incorporate the St. Thomas Cemetery Company, also the clauses of the said General Cemetery Act, incorporated therein, shall apply to the said St. Thomas Cemetery Company, as fully and perfectly as if the lands of the said Cemetery were situated without the limits of the corporation of the Town of St. Thomas:

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Act passed in the twenty-eighth year of the reign of Her Majesty, and chaptered fifty-eight intituled an Act to incorporate the St. Thomas Cemetery Company, shall be amended, so that all the powers and provisions therein, also the clauses of the Act respecting companies for the establishment of Cemeteries in Upper Canada, as incorporated therein, shall apply to the said St. Thomas Cemetery Company, as fully and perfectly as if the lands of the same were situated without the limits of the corporation of the Town of St. Thomas.

28 Vic., c. 28,
amended.

No 93.

3rd Session, 2nd Parliament, 37 Victoria, 1874.

BILL.

An Act to amend the Act incorporating the
St. Thomas Cemetery Company.

First Reading, 16th February, 1874.

(*PRIVATE BILL.*)

MR. HODGINS.

TORONTO:

PRINTED BY HUNTER, ROSE & CO.

An Act to incorporate the South Western Railway of
Canada.

WHEREAS, the County Council of the County of Preamble.
Essex, Ontario, has petitioned for the incorporation of
a railway company to construct and operate a railway from
some point upon Lake Erie, at or near the east boundary of the
5 Township of Mersea, which is also the division line between the
Counties of Kent and Essex, thence through the Townships of
Mersea, Gosfield, Colchester, Sandwich East and West, to some
point on the Detroit River, in the Town of Sandwich, in the
said county, passing through or near the Villages of Wheatley,
10 Leamington, Ruthven, Kingsville, Colchester and Harrow, and
then, by the most direct line, to the said Town of Sandwich, in
said County of Essex;

And whereas, such a railway would cause the development of
the industries of the south-western townships of the
15 County of Essex by connecting them with the system of
through railways from east to west, which do not at present
afford such townships facilities for bringing their products to
market;

And it is expedient to grant the prayer of the petitioners.

20 **1** John A. Askin, Charles Gauthier, B. D. D. Rorison, John Incorporation.
Hammon, Thomas Armitage, Alanson Elliott, James Colbrooke
Patterson, Theodore Wigle, George Malot, M. W. Scott, T. C.
Fox, James McKee, Frank Evans Marcon, Luc Montreuil,
George Russell, and George Rankin; together with such persons
25 and corporations as shall in pursuance of this Act become share-
holders of the said company hereby incorporated, are hereby
constituted and declared to be a body corporate and politic by
the name of "The South Western Railway Company of Corporate
Canada." name.

30 **2.** The several clauses of the Railway Act of the Consolidated Certain clauses
Statutes of Canada, and amendments with respect to the first, of the Railway
second, third, fourth, fifth and sixth clauses thereof, and also the to apply.
several clauses thereof, with respect to "interpretation," "in-
corporation," "powers," plans and surveys," "lands and their
35 valuation," "highways and bridges," "fences," "tolls," "gene-
ral meetings," "president and directors; their election and
duties," "calls," "shares and their transfer," "municipalities,"
"shareholders," "actions for indemnity and fines and penalties
and their prosecution," "by-laws," "notices, &c.," "working of
40 the railway" and "general provisions" shall be incorporated
with and be deemed to be a part of this Act, and shall apply to
the said company, and to the railway to be constructed by
them, except only so far as the same may be inconsistent with
the express enactment hereof, and the expression "This Act" Interpretation
45 when used herein, shall be understood to include the clauses of of the words
"this Act."

the said Railway Act and amendments thereto so incorporated with this Act.

Power to construct a railway on a certain line.

3. The said company, their agents and servants may lay out, construct, and finish a double or single iron or steel railway, of such gauge as the company see fit, from the place before described, or near the Township of Mersea, in the County of Essex to some point on the River Detroit, within the limits of the Town of Sandwich, in the County of Essex, passing over any part of the county between the points aforesaid. 5

Power to build wharves and warehouses.

4. The said company shall also have power to construct on the shores of Lake Erie, on the River Detroit, or on any river or stream near to the said railway, such wharves, piers, warehouses or other works as may be required for the use of the said company. 10

Power to build, charter and navigate boats or vessels.

5. The said company shall have power to construct, purchase, charter and navigate boats or vessels of any description on said lake and river. 15

Provisional directors ;

their powers.

6. The persons named in the first section of this Act shall be and are hereby constituted provisional directors of the said company, of whom a majority shall be a quorum, and shall have power to fill vacancies occurring, and to add not more than three to their number, and shall hold office as such until the first election of directors under this Act, and shall have power forthwith to open stock-books, and procure subscriptions of stock for the undertaking, and to receive payment for stock subscribed, and make calls upon subscribers in respect of their stock, and to sue for and recover the same, and to cause plans and surveys to be made, and to deposit in any chartered bank of Canada or banking establishment in the said County of Essex, approved of by the said directors and by the Lieutenant-Governor in Council, all moneys received by them on account of stock subscribed ; and to withdraw the same for the purposes of the undertaking ; and to receive for the company any grant, loan, bonus or gift made to it or in aid of the undertaking, and to enter into any agreement respecting the conditions or disposition of any gift or bonus in aid of the railway, and with all such other powers as under the Railway Act of the Consolidated Statutes of Canada are vested in ordinary directors ; the said directors are hereby empowered to take all necessary steps for opening the stock-books for the subscription of parties desirous of becoming shareholders in the said company ; and all parties subscribing to the capital stock of the said company shall be considered proprietors and partners in the same, the said directors or a majority of them, or the board of directors to be elected as hereinafter mentioned, may, in their discretion, exclude any person from so subscribing who, in their judgment, would hinder, delay or prevent the company from proceeding with and completing their undertaking under the provisions of this Act ; and if, at any time, a portion or more than the whole stock shall have been subscribed, the said provisional directors, or board of directors, shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking ; and in such allocation the said directors may, in their discretion, exclude any one or more of the said subscribers if, in their judgment, such will best secure the building of the said railway, and all meetings of the provisional board of directors shall be held at the town 20 25 30 35 40 45 50 55

of Sandwich, unless otherwise provided by the by-laws of the said company.

7. Conveyances of lands to the said company for the purposes of and powers given by this Act, made in the form set out in the schedule "A" hereunder written, or the like effect, shall be sufficient conveyance to the said company, their successors and assigns of the estate, or interest and sufficient bar of dower respectively of all persons executing the same; and such conveyances shall be registered in such manner and upon such proof of execution as is required under the registry laws of Ontario; and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicate toereof.

Form of conveyances to the company.

Registration.

8. The capital stock of the said company shall be two hundred thousand dollars to be divided into two thousand shares of one hundred dollars each; and the money so raised shall be applied in the first place to the payment of all fees and expenses for procuring the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized, and all other preliminary expenses connected with the undertaking; and all the remainder of such money shall be applied to the making, equipping, completing and maintaining the said railway, and otherwise generally for the purposes of this Act; and until such preliminary expenses shall be paid out of such capital stock, the municipal corporation of any municipality which may be affected by the said railway, may by resolution, of which seven days' previous notice shall have been given, and passed by a majority of the said municipal corporation, authorize the treasurer of such municipality to pay out of the general funds of such municipality a sum (not exceeding two hundred dollars in townships, towns, and incorporated villages, and the sum of one thousand dollars in the counties) towards the preliminary expenses, which said sum shall thereafter (if such municipality so require) be refunded to such municipality from the capital stock of said company, or be allowed to it in payment of stock.

Capital stock.

9. When, and so soon as one-tenth part of the capital stock (which capital stock shall not be less than two hundred thousand dollars) shall have been subscribed, as aforesaid, and one-tenth of the amount so subscribed paid in, the said directors, or a majority of them, may call a meeting of the shareholders, at such time and place as they shall think proper, giving at least two week's notice in one or more newspapers published in the County of Essex, and in the *Ontario Gazette*; at which said general meeting, and at the annual general meetings in the following sections mentioned, the shareholders present, either in person or by proxy, shall elect seven directors in the manner, and qualified as hereinafter provided, which seven directors shall constitute a board of directors, and shall hold office till the first Wednesday in October in the year following their election; and may also pass such rules, regulations and by-laws, with reference to the said company, as may be deemed expedient, provided they are not inconsistent with this Act.

First meeting for election of directors.

10. On the said first Wednesday in October, and on the first Wednesday in October in each year thereafter, at the principal

Annual general meeting.

office of the said company, there shall be held a general meeting of the shareholders of the company, at which meeting the said shareholders shall elect a like number of not less than five or not more than seven directors for the then ensuing year, in the manner and qualified as hereinafter provided; and public notice of such annual meeting and election shall be published at least two weeks previously in the *Ontario Gazette*, and in one or more newspapers in the County of Essex, and the election for directors shall be by ballot, and the persons so elected shall form the board of directors.

Directors may make certain payments in paid up stock or in bonds.

11. The said provisional directors or the elected directors, may pay, or agree to pay, in paid up stock, or in the bonds of the said company, such sums as they may deem expedient, to engineers or contractors, or for right of way, or material, plant, or rolling stock, and also for the services of the promoters or other persons who, in the opinion of a majority of the said directors, may be of material aid in the furtherance of the undertaking, or purchase of right of way, material, plant, or rolling stock, whether such promoters or other persons be provisional or elected directors or not, and any agreement so made shall be binding upon the company.

Special general meeting.

12. Special general meetings of the shareholders of the said company may be held at such places in the Town of Sandwich, and at such times, and in such manner, and upon the notice mentioned in the last preceding section, and for such purposes as may be prescribed by the by-laws of the company.

Ten per cent. to be paid on stock.

13. No subscriptions for stock in the capital of the company shall be binding on the company, unless ten per centum of the sum subscribed has been virtually paid into some chartered bank or banks, or broker's office, approved of, as aforesaid, to be designated by the directors to the credit of the company, within a period to be named by the board.

Quorum of directors.

14. A majority of the directors shall form a quorum for the transaction of business, and the said board of directors may employ one or more of their number as paid director or directors: Provided, however, that no person shall be elected a director unless he shall be the holder and owner of at least ten shares of the stock of the said company, and shall have paid up all calls upon the stock.

Calls on shares.

15. The directors may at any time call upon the shareholders for instalments upon each share which they, or any of them, may hold in the capital stock of the said company, in such proportions as they may see fit, no such instalment exceeding ten per centum, and the directors shall give one month's notice of such call, in such manner as they may direct.

Power to construct branch lines.

16. The directors of the said company, selected by the shareholders in accordance with the provisions of this Act, shall have power to build and construct any branch from the main line of said South Western Railway Company to any other chartered railway company, within the said County of Essex, with a view to the convenience and development of the trade of said county.

Scale of votes.

17. Every shareholder holding one or more shares of the said capital stock shall, at any general meeting of the shareholders, be entitled to one vote for every share held by him; and no

shareholder shall be entitled to vote on any matter whatever, unless all calls due upon the stock upon which such shareholder seeks to vote shall have been paid up at least one week before the day appointed for such meeting.

- 2 18. It shall be lawful for any municipality or municipalities, Aid from the municipalities.
or the county municipality, or any portion or portions of such municipalities which may be interested in securing the construction of the said railway, or through any part of which or near which the said railway or the works of the said company, shall pass or be situated, to aid and assist the said company by loaning or guaranteeing or giving money by the way of bonus to said company, or taking stock in the capital of, or issuing municipal bonds to, or in aid of the same, and otherwise in such manner, and to such extent as such municipalities or any of them, shall deem expedient; and it shall be lawful for the councils of such municipalities, or any of them, with the approval of the ratepayers as hereinafter mentioned, to convert into cash and invest any surplus funds of such municipalities, or any of them, in the capital stock of said company, and the aid and assistance to be given to said company by any portion of a county municipality, whether the metes and bounds of such portion as set forth in the by-law for granting such aid, be the metes and bounds of townships, or be so defined as to comprise a township or townships, and portions of townships, or only portions of townships, and also in the case of a portion of the county or township municipality granting such aid, then the debentures to be issued, shall be the debentures of the county or township municipality as the case may be, but in such case the rate to be levied for the payment of such debentures and interest, shall be assessed and levied on the portion of the township or county municipality affected by said by-law; and the proper municipal council may of its own motion, and without any previous petition therefor being presented, introduce, pass, and submit the requisite by-law to authorize the granting of such aid, or to raise a certain sum to be invested in stock in the capital of said company, for the approval of the voters qualified under the Municipal Act in the municipality, or portion of a municipality to be affected thereby: Provided always that no such aid, loan, bonus or guarantee shall be given until the by-laws granting the same be adopted by the ratepayers, at required by the provisions of the Municipal Act for the creation of debt, and all such by-laws so passed shall be valid, notwithstanding that the annual rate of assessment exceeds the aggregate rate of two cents in the dollar on the actual value of the whole ratable property within the municipality, or portion of a municipality creating such debt: Provided always that in no case shall such rate exceed for all purposes three cents on a dollar on the actual value of such ratable property.

19. In case aid towards the construction of said railway is Aid from portions of municipalities.
desired from any municipality, other than the county municipality, if twenty persons at least who are qualified voters under the Municipal Act, do petition the council of the municipality within which their property is situate, in the manner hereinafter mentioned; and in case aid is desired from any portion of a township municipality, of at least twenty persons who are qualified voters under the Municipal Act, resident in the said portion, do in the manner hereinafter mentioned, petition the council of said municipality; and in case aid is desired from the county municipality or any portion of the county municipality,

if at least twenty persons who are qualified voters under the Municipal Act, in each minor municipality, or portion of a minor municipality within said county, from which such aid is desired, as the case may be, or if the majority of the reeves and deputy reeves of said minor municipalities, resident in the section of the county from which aid is desired, do petition the council of said county in the manner hereinafter mentioned, the warden, reeve or other presiding officer of said municipalities respectively or any of them, shall on receipt of such petition call a meeting of the council of the municipality, and the said council shall thereupon introduce and pass a by-law as hereinafter set forth, and shall submit the same to the vote of the qualified voters, under the Municipal Act, of the municipality or portion of the municipality defined in said petition, within six weeks after the receipt of said petition, by the warden, reeve or other presiding officer as aforesaid, in the manner required by the provisions of the Municipal Act, and in the same manner, and to the same effect, as if the said municipal council had introduced the said by-law of its own motion :

Nature of
petition to
municipality
to aid railway.

Such petition shall in effect set forth that it is the desire of the petitioners to aid the said railway, the manner in which such aid is to be rendered, the amount or sum to be raised or granted for that purpose, and the desire of the petitioners to be assessed therefor, and in case of a petition from a portion of a municipality, such petition shall also contain a statement of the metes and bounds of such portion.

1. Such by-law shall in each instance provide for raising the amount petitioned for in the municipality, or portion of the municipality mentioned in the petition, by the issue of debentures of the municipality and shall also provide for the delivery of the said debentures to the said company, or the application of the amount so raised in such manner, and at such time as may be expressed in the said petition :

2. For assessing and levying upon all ratable property lying within the municipality, or portion of the municipality defined in said petition, an annual special rate sufficient to include a sinking fund for the repayment of the said debentures within twenty years with interest thereon ; such interest to be payable yearly or half yearly, or by equal annual instalments of principal and interest, which debentures, the respective municipal councils, warden, reeves, and other officers thereof are hereby authorized to execute and issue in such cases respectively ; provided that in case the sum raised under the authority of such by-laws is vested in the capital stock of said company, the council of the municipality holding such stock, may at any time, sell and dispose of the same or any part thereof, and shall in such case apply the moneys received therefor in payment of the said debentures and interest.

If by-law
carried, coun-
cil to pass the
same.

20. In case the by-law submitted to any municipality or portion of a municipality be approved of or carried by a majority of the votes given thereon, then within four weeks after the date of such voting, the council of the municipality shall read the said by-law a third time and pass the same.

Issue of
debentures.

21. And within one month after the passing of such by-law, the said council, and the warden, reeve or other presiding officers thereof, shall issue or dispose of the debentures necessary to raise the sum mentioned in such by-law, and otherwise act according to the terms thereof.

22. It shall be lawful for the corporation of any municipality through any part of which the said railway passes or is situate, by by-law specially passed for that purpose to exempt the said Company and its property within such municipality or any part thereof from municipal assessment or taxation, and to fix the assessable value of said property for a term of years, or to agree to a certain sum per annum or otherwise, in gross, or by way of commutation or composition for payment in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years not exceeding twenty years, as such municipal corporation may deem expedient; and any such by-law shall not be repealed unless in conformity with a condition contained therein

Exemption
from taxation.

23. Whenever any municipality shall grant a bonus to aid the said company in the making, equipping and completion of the said railway, the debentures thereof shall, within six weeks after the passing of the by-law authorizing the same, be delivered to three trustees, to be appointed as follows: one by the reeves of the municipalities in the County of Essex, through which the said railway passes; one by the railway company, and one to be named by the Lieutenant-Governor in Council: Provided that if the Lieutenant-Governor in Council shall refuse or neglect to name such trustee within one month after notice in writing to him, requesting him to appoint such trustee, the said company shall be at liberty to name one in the place of the one to have been named by said Lieutenant-Governor in Council.

Debentures to
be delivered to
trustees.

24. Any of the said trustees may be removed, and a new trustee appointed in his place at any time by the Lieutenant-Governor in Council, with the consent of the said company, and in case any trustee die or resign his trust, or go to live out of Ontario, or otherwise become incapable to act, his trusteeship shall become vacant, and a new trustee may be appointed by the Lieutenant-Governor in Council, with the consent of said company.

Appointments
of new
trustees.

25 The act of any two such trustees shall be as valid and binding as if the three had agreed.

Acts of the
trustees to be
binding.

26. The said trustees shall receive the said debentures in trust: firstly, to convert the same into money; secondly, to deposit the amount realized from the sale of such debentures into such bank or broker's office as shall be selected as aforesaid, in the said County of Essex, in the name of "The South-Western Railway Company of Canada Municipal Trust Account," and to pay the same out to the said company from time to time on the certificate of the chief engineer of the said railway, in the form set out in Schedule "B" hereto, or to the like effect, setting out the portion of the railway to which the money to be paid out is to be applied, and the total amount to be expended on such portion to the date of the certificate, and that the sum so certified does not exceed the pro rata amount per mile for the length of the road or portion of the road, to be applied on the works so done, and such certificates shall be attached to the cheques to be drawn by the said trustees; and the wrongfully granting any such certificate by such engineer shall be punishable by penalty of not less than one hundred dollars, recoverable in any court of competent jurisdiction in the Province of Ontario.

Trusts upon
which debentures
are to be
held.

Directors
appointed by
municipalities.

27. Whenever any township or town municipality shall grant a bonus, or otherwise aid the said Company, to an amount not less than thirty thousand dollars, the council of such municipality shall be entitled to name a director of the said company as the representative of such municipality ; and such director shall be in addition to all shareholders directors, a director in said Company, and shall not require to be a shareholder thereof, and shall continue in office as a director of said Company until his successor be appointed by the council of the municipality which he represents ; and in any such case the municipality shall not vote on any stock held by it for the election of shareholders or directors.

Corporation
may change
their debentures for those
of the town-
ships.

28. The corporation of the county municipality shall be at liberty to take the debentures issued by any township or townships which may grant a bonus or otherwise aid said Company, and in exchange therefor hand to the proper officers of said Company or township, as the case may be, a like amount of the debentures of the said County, on a resolution to that effect being passed by the county council.

Stock of the
municipality
how repre-
sented

29. At all meetings of the Company the stock held by municipal and other corporations may be represented by such person as they may respectively appoint in that behalf by by-law and such person shall at such meetings be entitled, equally with other shareholders, to vote by proxy ; and no shareholders shall be entitled to vote on any matter whatever, unless all calls due on the stock held by such shareholders shall have been paid up at least one week before the day appointed for such meeting.

Agreements
with other
railway com-
panies.

30. It shall be lawful for the said Company to enter into any agreement with any other railway in the Province of Ontario, for leasing the said railway or any part thereof to such other company, or for leasing or hiring from such other company any railway or any part thereof, or for leasing or hiring locomotives or other rolling stock, and generally to make any agreement or agreements with any such other company touching the use by one or the other or by both companies, of the railway or moveable property of either, or of both or of any part thereof ; or touching any service to be rendered by one company to the other, and the compensation therefor ; and any such agreement shall be valid and binding, and shall be enforced by courts of law according to the terms and tenor thereof ; and any company or individual accepting and executing such lease or agreement shall be and is hereby empowered to exercise all the rights, powers and privileges in this Act conferred.

Company may
receive aid
from govern-
ment, &c.

31. The said Company may receive from government, or from any persons or bodies corporate, municipal or politic, who may have powers to make or grant the same in aid of the construction, equipment or maintenance of the said railway, bonuses, or gifts of money or lands or securities for money.

Commence-
ment and com-
pletion of
railway.

32. The railway shall be commenced within four years, and completed within eight years after the passing of this act.

Carriage of
cordwood.

33. The said company shall, at all times, receive and carry cord wood, or any wood to be used as fuel, at a rate not to exceed three cents per ton per mile, in full car loads, from all stations within such municipalities as may take the amount of

stock in the capital of the said company allotted to them by the directors of the said company, or grant a bonus thereto of equal value or amount; and the said company shall at all times furnish every facility necessary for the free and unrestrained traffic in cord wood, to as large an extent as in other freight carried over said railway.

34. The directors of the said company are hereby authorized and empowered, to issue bonds for the purpose of raising money for prosecuting the said undertaking, and such bonds shall without registration or formal conveyance be taken and considered to be the first and preferential claims and charges upon the undertaking, and present and future property of the company, including rolling stock and equipments; and each holder of said bonds shall be deemed to be a mortgagee and incumbrancer *pro rata* with all the other holders thereof upon the undertaking and the property of the company, provided that the whole amount of such issue of bonds shall not exceed in all the sum of twenty thousand dollars per mile, and provided also that in the event at any time of the interest upon the said bonds remaining unpaid and owing, then at the next ensuing general annual meeting of the said company, all holders of bonds shall have and possess the same rights, privileges and qualifications for directors and for voting, as are allowed to shareholders, in case the bonds and any transfers thereof shall have been first registered in the same manner as is provided for the registration of shares, and it shall be the duty of the Secretary of the company to register the same on being required to do so by any holder thereof.

Power to issue bonds.

Proviso.

Rights of bondholders when interest in arrear.

35. The said company shall have power and authority to become parties to promissory notes and bills of exchange for sums of not less than one hundred dollars, and any such promissory note made or endorsed by the president or vice-president of the company, and countersigned by the secretary and treasurer of the said company, and under the authority of a quorum of the directors, shall be binding on the said company, and every such promissory note or bill of exchange so made, shall be presumed to have been made with proper authority until the contrary be shewn, and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange, nor shall the president or vice-president, or secretary or treasurer be individually responsible for the same unless the said promissory note or bill of exchange has been issued without the sanction and authority of the directors as hereinbefore enacted, provided always, that nothing herein contained shall be construed to authorize the said company to issue any note or bill of exchange payable to bearer, or intended to be circulated as money or as the notes or bills of a bank.

Negotiable instruments.

36. Where stone or gravel or any other material is or are required for the construction or maintenance of said railway, or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same are situated, for the purchase thereof, cause a provincial surveyor to make a map and description of the property so required; and they shall serve a copy thereof with their notice of arbitration as in the case of acquiring the road way; and the notice of arbitrators,

Acquiring gravel, &c.

the award and the tender of compensation, shall have the same effect as in the case of arbitration for the roadway ; and all the provisions of the Railway Act as varied and modified by the special Acts relating to the said company as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom lands may be taken or who may sell, shall apply to the subject matter of this section, and to the obtaining material as aforesaid, and such proceedings may be had by the said company either for the right to the fee simple in the land from which said material shall be taken, or for the right to take material for any time they shall think necessary, the notice of arbitration, in case arbitration is resorted to, to state the interest required.

Laying tracks
to gravel pits.

37. When said gravel or stone, or other materials shall be taken under the preceding sections of this Act, at a distance from the line of the Railway, the company may lay down the necessary sidings and tracks over any land which may intervene between the railway and the lands on which said material shall be found, whatever the distance may be ; and all the provisions of the Railway Act and of the special Acts relating to the said Company's Act, except such as relate to filing plans and publication of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated ; and such right may be so acquired for a term of years or permanently as the company may think proper ; and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed, for the purposes of repairing, and maintaining the said railway.

Power to
transfer.

38. The said company is also authorized and empowered to contract and agree with any other incorporated Railway Company for the purchase or transfer by deed of assignment of their line of railway or undertaking, or the line of such other company, with the appurtenances and privileges thereto belonging or in any manner appertaining thereto, and the company hereby incorporated may assign, transfer, or lease their railway or any part thereof, or any rights or powers acquired under this Act, and the surveys, plans, works, plant, stock, machinery or other effects belonging thereto, to any other incorporated company, person or persons, or corporations, upon such terms and conditions, and with such restrictions as the directors may deem expedient.

Any share-
holder may
hold stock.

39. Any shareholder in the said company, whether a British subject or alien, or a resident in Canada or elsewhere, shall have equal rights to hold stock in the said company, and to vote on the same, and to be eligible to office in the said company.

Name.

41. This Act shall be known and cited as the "South Western Railway of Canada Act."

SCHEDULE "A."

(Section 7.)

Know all men by these presents, that I (or we) (*insert the name or names of the vendor or vendors*) in consideration of

dollars paid to me (or us) by the "South Western Railway Company of Canada," the receipt whereof is hereby acknowledged, do grant and convey, and I (or we) (*insert the name of any other party or parties*) in consideration of dollars paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (*or those certain parcels, as the case may be*) of land, situate (*describe the land*) the same having been selected and laid out by the said company for the purposes of their said railway; to hold with the appurtenances unto the said "The South Western Railway Company of Canada," their successors and assigns (*here insert any other clauses, covenants or conditions required*); and I (or we) the wife (*or wives*) of the said do hereby bar my claim (*or our*) dower in the said lands.

As witness my (*or our*) hand and seal (*or hands and seals*) this day of one thousand eight hundred and

Signed, sealed and delivered)
in the presence of f

L. S.

SCHEDULE "B."

(Section 26.)

CHIEF ENGINEER'S CERTIFICATE.

The South Western Railway Company of Canada.

No.

A.D. 18

Certificate to be attached to cheques drawn on the South Western Railway Company of Canada Municipal Trust Account, and given under section of cap. 37 Vic.

I, , chief engineer for the "South Western Railway Company of Canada," do hereby certify that there has been expended in the construction of mile No. (*the said mileage being numbered consecutively from the point of commencement at Sandwich*) the sum of dollars to date, and that the total *pro rata* amount due for the same from the said municipal trust account, amounts to the sum of dollars, which said sum of dollars is now due and payable as provided under said Act.

3rd Session, 2nd Parliament, 37 Victoria, 1874.

BILL.

An Act to incorporate "The South Western
Railway Company of Canada."

First Reading, 17th February, 1874.

(PRIVATE BILL.)

MR. PRINCE.

TORONTO :

PRINTED BY HUNTER, ROSE & CO.

An Act to incorporate the South-Western Railway of Canada.

WHEREAS, the County Council of the County of Preamble.
Essex, Ontario, has petitioned for the incorporation of
a railway company to construct and operate a railway from
some point upon Lake Erie, at or near the east boundary of the
5 Township of Mersea, which is also the division line between the
Counties of Kent and Essex, thence through the Townships of
Mersea, Gosfield, Colchester, Sandwich East and West, to some
point on the Detroit River, in the Town of Sandwich, in the
said county, passing through or near the Villages of Wheatley,
10 Leamington, Ruthven, Kingsville, Colchester and Harrow, and
then, by the most direct line, to the said Town of Sandwich, in
said County of Essex;

And whereas, such a railway would cause the development of
the industries of the south-western townships of the
15 County of Essex by connecting them with the system of
through railways from east to west, which do not at present
afford such townships facilities for bringing their products to
market;

And it is expedient to grant the prayer of the petitioners.

20 **1** John A. Askin, Charles Gauthier, B. D. D. Rorison, John Incorporation.
Hammon, Thomas Armitage, Alanson Elliott, J. C. Patterson,
Theodore Wigne, George Malot, T. M. Fox, James McKee, John
Mercer, Louis Lafferty, Luc Montreuil, George Russell, and
George Rankin; together with such persons and corporations
25 as shall in pursuance of this Act become shareholders of the said
company hereby incorporated, are hereby constituted and de-
clared to be a body corporate and politic by the name of "The
South Western Railway Company of Canada."

Corporate
name.

2. The several clauses of the Railway Act of the Consolidated
30 Statutes of Canada, and amendments with respect to the first,
second, third, fourth, fifth and sixth clauses thereof, and also the
several clauses thereof, with respect to "interpretation," "in-
corporation," "powers," plans and surveys," "lands and their
valuation," "highways and bridges," "fences," "tolls," "gene-
35 ral meetings," "president and directors; their election and
duties," "calls," "shares and their transfer," "municipalities,"
"shareholders," "actions for indemnity and fines and penalties
and their prosecution," "by-laws," "notices, &c.," "working of
the railway" and "general provisions" shall be incorporated
40 with and be deemed to be a part of this Act, and shall apply to
the said company, and to the railway to be constructed by
them, except only so far as the same may be inconsistent with
the express enactment hereof, and the expression "This Act"
when used herein, shall be understood to include the clauses of

Certain clauses
of the Railway
Act to apply.

Interpretation
of the words
"this Act."

the said Railway Act and amendments thereto so incorporated with this Act.

Power to construct a railway on a certain line.

3. The said company, their agents and servants may lay out, construct, and finish a double or single iron or steel railway, of such gauge as the company see fit, from the place before described, in or near the Township of Mersea, in the County of Essex to some point on the River Detroit, within the limits of the Town of Sandwich, in the County of Essex, passing over any part of the county between the points aforesaid, with power to construct a branch or branches to or through the Town of Windsor or Village of Walkerville, in the Township of Sandwich East. 5 10

Power to build wharves and warehouses.

4. The said company shall also have power to construct on the shores of Lake Erie, on the River Detroit, or on any river or stream near to the said railway, such wharves, piers, warehouses or other works as may be required for the use of the said company. 15

Power to build, charter and navigate boats or vessels.

5. The said company shall have power to construct, purchase, charter and navigate boats or vessels of any description on said lake and river, in order to supply facilities for traffic to be carried on said railway. 20

Provisional directors ;

their powers.

6. The persons named in the first section of this Act shall be and are hereby constituted provisional directors of the said company, of whom a majority shall be a quorum, and shall have power to fill vacancies occurring, and to add not more than three to their number, and shall hold office as such until the first election of directors under this Act, and shall have power forthwith to open stock-books, and procure subscriptions of stock for the undertaking, and to receive payment for stock subscribed, and make calls upon subscribers in respect of their stock, and to sue for and recover the same, and to cause plans and surveys to be made, and to deposit in any chartered bank of Canada or banking establishment in the said County of Essex, all moneys received by them on account of stock subscribed ; and to withdraw the same for the purposes of the undertaking ; and to receive for the company any grant, loan, bonus or gift made to it or in aid of the undertaking, and to enter into any agreement respecting the conditions or disposition of any gift or bonus in aid of the railway, and with all such other powers as under the Railway Act of the Consolidated Statutes of Canada are vested in ordinary directors ; the said directors are hereby empowered to open stock books for the subscription by parties desirous of becoming shareholders in the said company ; the said directors or a majority of them, or the board of directors to be elected as hereinafter mentioned, may, in their discretion, exclude any person from so subscribing who, in their judgment, would hinder, delay or prevent the company from proceeding with and completing their undertaking under the provisions of this Act ; and if, at any time, a portion or more than the whole stock shall have been subscribed, the said provisional directors, or board of directors, shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking ; and in such allocation the said directors may, in their discretion, exclude any one or more of the said subscribers if, in their judgment, such will best secure the building of the said railway, and all meetings of the provisional board of directors shall be held at the town 25 30 35 40 45 50 55

of Sandwich, unless otherwise provided by the by-laws of the said company.

7. Conveyances of lands to the said company for the purposes of this Act, may be made in the form set out in the schedule A hereunder written, or to the like effect, and the same shall be sufficient conveyance to the said company, their successors and assigns of the estate, or interest therein mentioned and sufficient bar of dower respectively of all persons executing the same; and such conveyances shall be registered in such manner and upon such proof of execution as is required under the registry laws of Ontario; and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicate thereof.

Form of conveyances to the company.

Registration.

8. The capital stock of the said company shall be two hundred thousand dollars to be divided into two thousand shares of one hundred dollars each; and the money so raised shall be applied in the first place to the payment of all fees and expenses for procuring the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized, and all other preliminary expenses connected with the undertaking; and all the remainder of such money shall be applied to the making, equipping, completing and maintaining the said railway, and otherwise generally for the purposes of this Act; and until such preliminary expenses shall be paid out of such capital stock, the municipal corporation of any municipality which may be affected by the said railway, may by resolution, of which seven days' previous notice shall have been given, and passed by a majority of the said municipal corporation, authorize the treasurer of such municipality to pay out of the general funds of such municipality a sum (not exceeding two hundred dollars in townships, towns, and incorporated villages, and the sum of one thousand dollars in the county) towards the preliminary expenses, which said sum shall thereafter (if such municipality so require) be refunded to such municipality from the capital stock of said company, or be allowed to it in payment of stock.

Capital stock.

9. When, and so soon as one-tenth part of the capital stock (which capital stock shall not be less than two hundred thousand dollars) shall have been subscribed, as aforesaid, and one-fifth of the amount so subscribed paid in, the said directors, or a majority of them, may call a meeting of the shareholders, at such time and place as they shall think proper, giving at least two week's notice in one or more newspapers published in the County of Essex, at which said general meeting, and at the annual general meetings in the following sections mentioned, the shareholders present, either in person or by proxy, shall elect not less than five nor more than seven directors in the manner, and qualified as hereinafter provided, which directors shall constitute a board of directors, and shall hold office till the first Wednesday in October in the year following their election; and may also pass such rules, regulations and by-laws, with reference to the said company, as may be deemed expedient, provided they are not inconsistent with this Act.

First meeting for election of directors.

10. On the said first Wednesday in October, and on the first Wednesday in October in each year thereafter, at the principal

Annual general meeting.

office of the said company, there shall be held a general meeting of the shareholders of the company, at which meeting the said shareholders shall elect a like number of not less than five or not more than seven directors for the then ensuing year, in the manner hereinafter provided; and public notice of such annual meeting and election shall be published at least two weeks previously in one or more newspapers in the County of Essex; and the election for directors shall be by ballot; and the persons so elected shall form the board of directors. 5

Directors may make certain payments in paid up stock or in bonds.

11. The directors to be elected by the shareholders, may pay, or agree to pay, in paid up stock, or in the bonds of the said company, such sums as they may deem expedient, to engineers or contractors, or for right of way, or material, plant, or rolling stock, and also when sanctioned by a vote of the shareholders at any general meeting for the services of the promoters or other persons who, in the opinion of a majority of the said directors, may be of material aid in the furtherance of the undertaking, or purchase of right of way, material, plant, or rolling stock, whether such promoters or other persons be provisional directors or not. 20

Special general meeting.

12. Special general meetings of the shareholders may be held in the Town of Sandwich, at such time and place, and for such purpose as may be prescribed by the by-laws of the company.

Ten per cent. to be paid on stock.

13. No subscriptions for stock in the capital of the company shall be binding on the company, unless ten per centum of the sum subscribed has been actually paid into some chartered bank or banks, or broker's office, approved of, as aforesaid, to be designated by the directors to the credit of the company, within a period to be named by the board. 25 30

Quorum of directors.

14. A majority of the directors shall form a quorum for the transaction of business, and the said board of directors may employ one of their number as paid director: Provided however that no person shall be elected a director unless he shall be the holder and owner of at least ten shares of the stock of the said company, and shall have paid up all calls upon the stock. 35

Calls on shares.

15. The directors may at any time call upon the shareholders for instalments upon each share which they, or any of them, may hold in the capital stock of the said company, in such proportions as they may see fit, no such instalment exceeding ten per centum, and the directors shall give one month's notice of such call, in such manner as they may direct. 40

Power to construct branch lines.

16. The directors of the said company, selected by the shareholders in accordance with the provisions of this Act, shall have power to build and construct any branch from the main line of said South Western Railway Company to any other chartered railway company, within the said County of Essex, with a view to the convenience and development of the trade of said county. 45

Scale of votes.

17. Every shareholder holding one or more shares of the said capital stock shall, at any general meeting of the shareholders, be entitled to one vote for every share held by him; and no shareholder shall be entitled to vote on any matter whatever, unless all calls due upon the stock upon which such shareholder 50

seeks to vote shall have been paid up at least one week before the day appointed for such meeting.

- 18.** The said company may receive from any Government, or from any persons or bodies corporate, municipal or politic, who may have power to make or grant the same, aid towards the construction, equipment, or maintenance of the said railway, by way of bonus, gift, or loan in money, or debentures, or other securities for money, or by way of guarantee, upon such terms and conditions as may be agreed upon. Aid to company from Government &c.
- 19.** Any municipal corporation, or any portion of a municipality, which may be interested in securing the construction of the said railway, or through any part of which, or near which, the railway or works of the said company shall pass or be situate, may aid the said company by giving money or debentures, by way of bonus, gift, or loan, or by the guarantee of the municipal corporation, under and subject to the provisions herein-after contained, which are to be taken as applicable thereto instead of sections four hundred and seventy-two, four hundred and seventy-three and four hundred and seventy-four of the Municipal Institutions Act: Provided always, that no such aid shall be given, except after the passing of a by-law for the purpose, and the adoption of such by-law by the qualified rate-payers of the municipality or portion of municipality, (as the case may be,) as provided in the Municipal Act for the creation of debts. Aid from municipalities.
- 20.** Such by-law shall be submitted by the municipal council to the vote of the ratepayers in manner following, namely:
1. The proper petition shall first be presented to the council, expressing the desire to aid the railway, and stating in what way and for what amount; and the council shall within six weeks after the receipt of such petition by the clerk of the municipality introduce a by-law to the effect petitioned for, and submit the same for the approval of the qualified voters;
 2. In the case of a county municipality the petition shall be that of a majority of the reeves and deputy-reeves, or of twenty resident freeholders in each of the minor municipalities of the county, who are qualified voters under the Municipal Act;
 3. In the case of other municipalities, the petition shall be that of a majority of the council thereof, or of twenty resident freeholders, being duly qualified voters as aforesaid;
 4. In the case of two or more minor municipalities, or sections of two or more such municipalities, or of two or more such municipalities with a section or sections of one or more minor municipalities forming part of a county municipality, the petition is to be presented to the county council, describing the portions to be grouped, and defining any section by metes and bounds, and shall be that of a majority of each of the councils of such minor municipalities respectively, or of twenty resident freeholders in each of the said minor municipalities, or sections proposed to be grouped, being duly qualified voters as aforesaid. Manner of submitting by-laws to rate-payers.
- 21.** Where a portion of the county municipality petitions to aid the railway, it shall be such portion only as shall consist of two or more minor municipalities or sections thereof, through which the line of railway is to be constructed, or which will Aid from portions of county municipalities.

Grouping of
municipalities.

be benefited thereby, and such minor municipalities and sections thereof shall lie contiguous; but no minor municipality or section thereof which is subject to a county or other by-law in aid of the same railway, shall be thus grouped without the consent of the majority of the duly qualified voters there- 5
in expressed to that end, when voting upon the proposed by-law.

Proceedings in
opposing sub-
mission of by-
laws.

22. In case of aid from a county municipality, or from a grouped portion thereof, twenty resident freeholders of the county or portion comprised in the proposed by-law (as the 10
case may be) may petition the county council against submitting the said by-law, upon the ground that certain minor municipalities or portions thereof comprised in the said by-law would be injuriously affected thereby, or upon any other ground ought not to be included therein, and upon deposit by the petitioners 15
with the treasurer of the county of a sum sufficient to defray the expense of such reference, the said council shall forthwith refer the said petition to three arbitrators, one being the judge of the county court, one being the registrar of the county, or of the riding in which the county town is situate, and one being 20
an engineer appointed by the Commissioner of the Department of Public Works for Ontario, who shall have power to confirm or amend the said by-law by excluding any minor municipality or any section thereof therefrom, and the decision of any two of them shall be final, and the by-law so confirmed or 25
amended, shall thereupon, at the option of the railway company, be submitted by the council to the duly qualified voters; and in case the by-law is confirmed by the arbitrators, the expense of the reference shall be borne by the petitioners against the same, but if amended, then by the railway company or the 30
county, as the arbitrators may order.

Arbitration.

Costs.

Rate to be
levied only on
the part of
municipality
granting
bonus.

23. In the case of a portion of the county municipality being formed into a group, the by-law to be submitted shall be that of the county, but the rate to be levied for payment of the debentures issued thereunder, and the interest thereon, shall be 35
assessed and levied upon such portions only of the county municipality, and the voting thereon shall be limited to the duly qualified voters in such portion only.

Railway to
make deposit
for expenses.

24. Before any such by-law is submitted, the railway company shall deposit with the treasurer of the municipality a sum 40
sufficient to pay the expenses to be incurred in submitting said by-law.

Interpretation
words "minor
municipality."

25. The term "minor municipality" shall be construed to mean any town not separated from the municipal county, township, or incorporated village situate in the county municipi- 45
pality.

By-laws to be
valid, though
the annual rate
exceed two
cents in the
dollar.

26. No by-law shall be valid, or shall be submitted to such vote for granting aid to the railway which shall require the levying of a greater aggregate annual rate for all purposes, exclusive of school rates, than three cents in the dollar upon the value of 50
the ratable property in each of the minor municipalities or section affected thereby, but for the purpose of such aid, the amount of the aggregate annual rate to be levied in any such 55
municipality or section, may exceed the two cents in the dollar limited by the Municipal Act.

27. Such by-law shall in each instance provide. (1.) For raising the amount petitioned for in the municipality or portions of the county municipality, (as the case may be,) mentioned in the petition by the issue of debentures of the county or minor municipality, respectively, and shall also provide for the delivery of the said debentures, or the application of the amount to be raised thereby, as may be expressed in the said by-law ;

2. For assessing and levying upon all ratable property lying within the municipality or portions of the county municipality defined in said by-law (as the case may be) an annual special rate sufficient to include a sinking fund for the repayment of the said debentures within twenty years, with interest thereon, payable yearly or half-yearly, or by equal annual instalments of principal and interest, which debentures the respective municipal councils, warden, reeves, and other officers thereof are hereby authorized to execute and issue in such cases respectively : Provided that in case the sum raised under the authority of such by-law is invested in the capital stock or bonds of the railway company or loaned thereon, the council of the municipality holding such stock or bonds may sell and dispose of the same or any part thereof, and shall in such case apply the moneys received therefor in payment of the said debentures and interest.

28. In case the by-law submitted is not approved of, no other by-law which is in substance the same shall be submitted to the voters of the same municipality or portions of the county municipality, until after the expiration of six months from such rejection.

If by-law defeated similar one not to be submitted until after six months.

29. In case the by-law submitted be approved of or carried by a majority of the votes given thereon, then within four weeks after the date of such voting, the municipal council which submitted the same shall read the said by-law a third time, and pass the same.

If by-law carried by a majority of the votes given thereon, then within four weeks after the date of such voting, the municipal council which submitted the same shall read the said by-law a third time, and pass the same.

30. And within one month after the passing of such by-law, the said council, and the warden, reeve or other officers thereof, shall issue or dispose of the debentures necessary to raise the sum mentioned in such by-law, and otherwise act according to the terms thereof.

and issue the debentures.

31. The corporation of any county municipality shall be at liberty to take the debentures issued by any township in aid of the railway company, and give in exchange therefor to the said township a like amount of the debentures of the said county, on a resolution to that effect being passed by the county council, but the township municipality shall in such case keep the county municipality fully indemnified against any rate or liability in respect of said debentures.

County Corporations may exchange their debentures for those of townships.

32. Whenever any municipality or portion of a county municipality shall grant aid by way of bonus or gift to the railway company, the debentures therefor shall within six months after passing of the by-law authorizing the same, be delivered to three trustees to be named, one by the Lieutenant-Governor in Council, one by the said company, and one by the majority of the heads of the municipalities which have granted bonuses, all of the trustees to be residents of the Province of Ontario : Provided, that if the said Council shall refuse or neglect to name such trustee, or if the Lieutenant Governor in Council shall

Trustees for municipal debentures.

omit to name such trustee within one month after notice in writing to him of the appointment of the other trustees, the company shall be at liberty to name such other trustee or other trustees; any of the said trustees may be removed and a new trustee appointed in his place at any time by the Lieutenant-Governor in Council, with the consent of the said company, and in case any trustee die, or resign his trust, or go to live out of Ontario, or otherwise become incapable to act, his trusteeship shall become vacant, and a new trustee may be appointed by the Lieutenant-Governor in Council, with the consent of said company.

Trusts on which debentures are to be held.

33. The said trustees shall receive the said debentures or bonds in trust: firstly, under the direction of the company, to convert the same into money; secondly, to deposit the amount realized from the sale in some of the chartered banks, having an office in this Province, in the name of "The South Western Railway Municipal Trust Account," and to pay the same out to the said company from time to time, on the certificate of the chief engineer of the said railway, in the form set out in schedule "B" hereto, or to the like effect, setting out the portion of the railway to which the money paid out is to be applied, and that the sum so certified for is in pursuance of the terms and conditions of the by-law; and such certificate is to be attached to the cheques to be drawn by the said trustees; and such engineer shall not wrongfully grant any such certificate under penalty of 25 one hundred dollars, recoverable in any county court by any person who may sue therefor.

Fees to trustees, act of two to govern.

34. The trustees shall be entitled to their reasonable fees and charges from said trust fund; and the act of any two of such trustees to be as valid and binding as if the three had agreed.

Municipal Directors,

35. Any municipality which shall grant a bonus of not less than fifty thousand dollars in aid of the said company may stipulate that it shall be entitled to name a director in the said company as the representative of such municipality; and such director shall be, in addition to the directors elected by the shareholders, and shall not be required to be a shareholder in the company, and shall continue in office as a director in the said company until his successor shall be appointed by the municipality which he represents.

Company may receive gifts of lands.

36. Any municipality through which the said railway may pass is empowered to grant by way of gift to the said company any lands belonging to such municipality which may be required for right of way, station grounds or other purposes connected with the running or traffic of the said railway; and the said railway company shall have power to accept gifts of land from any Government or any person or body politic or corporate, and shall have power to sell or otherwise dispose of the same for the benefit of the said company.

Municipalities may exempt company from taxation.

37. It shall further be lawful for the council of any municipality in which any part of the railway of the company is situate, by by-law specially passed for that purpose, to exempt the said company and its property, within such municipality, either in whole or in part, from municipal assessment or taxation, or to agree to a certain sum per annum or otherwise, in gross or by way of commutation or composition for payment,

or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years, and any such by-law shall not be repealed, unless in conformity with a condition contained therein.

38. It shall and may be lawful for the council of any municipality that may grant a bonus to the company, and they shall have full power to extend the time for completion of the works on the completion of which the said company would be entitled to such bonuses. Council may extend time.

39. It shall be lawful for the council of any township or county municipality interested in the said extension branches, or any of them, and without complying with the requirements of any Act providing for the creation of debts by municipal corporations on behalf of such township or county municipalities, to bear all, or part of the costs, charges and expenses of, and incidental to, the submission of any by-law to the said qualified voters for granting a bonus to the said company, or may give the said company a bonus on account of such costs, charges and expenses : Provided always that no one such bonus shall exceed five thousand dollars. Councils may contribute towards preliminary expenses.

40. Whenever any municipality or portion of a municipality shall aid, loan, guarantee or give money or bonds by way of bonus to aid the making, equipment and completion of said extension and branches, or any part or parts thereof, it shall be lawful for the said company to enter into a valid agreement with any such municipality binding the said company to expend the whole of such aid so given upon works of construction, within the limits of the municipality granting the same. Municipalities may agree as to application of bonus.

41. It shall be lawful for the said Company to enter into any agreement with any other railway in the Province of Ontario, for leasing the said railway or any part thereof to such other company, or for leasing or hiring from such other company any railway or any part thereof, or for leasing or hiring locomotives or other rolling stock, and generally to make any agreement or agreements with any such other company touching the use by one or the other or by both companies, of the railway or moveable property of either, or of both or of any part thereof ; or touching any service to be rendered by one company to the other, and the compensation therefor ; and any such agreement shall be valid and binding, and shall be enforced by courts of law according to the terms and tenor thereof ; and any company or individual accepting and executing such lease or agreement shall be and is hereby empowered to exercise all the rights, powers and privileges in this Act conferred : Provided, the said leases, agreements and arrangements have been first respectfully sanctioned at special general meetings of the shareholders called for the purpose of considering the same, respectively under the provisions of the Railway Act, and then by a vote to that end of two-thirds of the shareholders present, either in present or by proxy. Agreements with other railway companies.

42. The said Company may receive from government, or from any persons or bodies corporate, municipal or politic, who may have powers to make or grant the same in aid of the construction, equipment or maintenance of the said railway, bonuses, or gifts of money or lands or securities for money. Company may receive aid from government, &c.

Commence-
ment and com-
pletion of
railway.

Carriage of
cordwood.

43. The railway shall be commenced within three years, and completed within five years after the passing of this Act.

44. The said company shall, at all times, receive and carry cord wood, or any wood to be used as fuel, at a rate not to exceed three cents per ton per mile, in full car loads, from all stations within such municipalities as may take the amount of stock in the capital of the said company allotted to them by the directors of the said company, or grant a bonus thereto of equal value or amount; and the said company shall at all times furnish every facility necessary for the free and unrestrained traffic in cord wood, to as large an extent as in other freight carried over said railway.

Power to issue
bonds.

45. The directors of the said company, after the sanction of the shareholders shall have been first obtained at any special general meeting to be called from time to time for such purpose, are hereby authorized and empowered, to issue bonds for the purpose of raising money for prosecuting the said undertaking, and such bonds shall without registration or formal conveyance be taken and considered to be the first and preferential claims and charges upon the undertaking, and present and future property of the company, including rolling stock and equipments; and each holder of said bonds shall be deemed to be a mortgagee and incumbrancer *pro rata* with all the other holders thereof upon the undertaking and the property of the company; Provided that the whole amount of such issue of bonds shall not exceed in all the sum of twelve thousand dollars per mile; And provided also that in the event at any time of the interest upon the said bonds remaining unpaid and owing, then at the next ensuing general annual meeting of the said company, all holders of bonds shall have and possess the same rights, privileges and qualifications for directors and for voting, as are allowed to shareholders, in case the bonds and any transfers thereof shall have been first registered in the same manner as is provided for the registration of shares, and it shall be the duty of the Secretary of the company to register the same on being required to do so by any holder thereof.

Rights of
bondholders
when interest
in arrear.

46. The said company shall have power and authority to become parties to promissory notes and bills of exchange for sums of not less than one hundred dollars, and any such promissory note made or endorsed by the president or vice-president of the company, and countersigned by the secretary and treasurer of the said company, and under the authority of a quorum of the directors, shall be binding on the said company, and every such promissory note or bill of exchange so made, shall be presumed to have been made with proper authority until the contrary be shewn, and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange, nor shall the president or vice-president, or secretary or treasurer be individually responsible for the same unless the said promissory note or bill of exchange has been issued without the sanction and authority of the directors as hereinbefore enacted, provided always, that nothing herein contained shall be construed to authorize the said company to issue any note or bill of exchange payable to bearer, or intended to be circulated as money or as the notes or bills of a bank.

Negotiable in-
struments.

47. Where stone or gravel or any other material is or are **Acquiring gravel, &c.** required for the construction or maintenance of said railway, or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same are situated, for
 5 the purchase thereof, cause a provincial surveyor to make a map and description of the property so required; and they shall serve a copy thereof with their notice of arbitration as in the case of acquiring the road way; and the notice of arbitrators, the award and the tender of compensation, shall have the same
 10 effect as in the case of arbitration for the roadway; and all the provisions of the Railway Act as varied and modified by the special Acts relating to the said company as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the
 15 parties from whom lands may be taken or who may sell, shall apply to the subject matter of this section, and to the obtaining material as aforesaid, and such proceedings may be had by the said company either for the right to the fee simple in the land from which said material shall be taken, or for the right to take
 20 material for any time they shall think necessary, the notice of arbitration, in case arbitration is resorted to, to state the interest required.

48. When said gravel or stone, or other materials shall be **Laying tracks to gravel pits.** taken under the preceding sections of this Act, at a distance
 25 from the line of the Railway, the company may lay down the necessary sidings and tracks over any land which may intervene between the railway and the lands on which said material shall be found, whatever the distance may be; and all the provisions of the Railway Act and of this Act, except such as
 30 relate to filing plans and publication of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated; and such right may be so acquired for a term of years or permanently as the company may think proper; and the powers in
 35 this and the preceding section may at all times be exercised and used in all respects after the railway is constructed, for the purposes of repairing, and maintaining the said railway.

49. Any shareholder in the said company, whether a British **Any shareholder may hold stock.** subject or alien, shall have equal rights to hold stock in the
 40 said company, and to vote on the same, and shall be eligible to office in the said company.

SCHEDULE A.

(Section 7.)

Know all men by these presents, that I (or we) (*insert the*
 45 *name or names of the vendor or vendors*) in consideration of dollars paid to me (or us) by the "South Western Railway Company of Canada," the receipt whereof is hereby acknowledged, do grant and convey, and I (or we) (*insert the*
 50 *name of any other party or parties*) in consideration of dollars paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (*or those certain parcels, as the case may be*) of land, situate (*describe the land*) the same having been selected

and laid out by the said company for the purposes of their said railway; to hold with the appurtenances unto the said "The South Western Railway Company of Canada," their successors and assigns (*here insert any other clauses, covenants or conditions required*); and I (or we) the wife (or wives) of the said do hereby bar my (or our) dower in the said lands.

As witness my hand and seal (*or our hands and seals*)
this day of one thousand eight
hundred and

Signed, sealed and delivered }
in the presence of }

L. S.

SCHEDULE B.

(Section 33.)

CHIEF ENGINEER'S CERTIFICATE.

THE SOUTH WESTERN RAILWAY COMPANY OF CANADA OFFICE,

ENGINEER'S DEPARTMENT, A. D. 18

No.

Certificate to be attached to cheques drawn on the South Western Railway Municipal Trust Account

I, , Chief Engineer for The South Western Railway Company of Canada, do hereby certify that the sum of \$ is required to be expended in the construction of the portion of the line extending mile No. to mile No. and that payment should be made to the company of such amount from the Municipal Trust Account, the same being in pursuance of the terms and conditions of the by-law of the Municipal of the

of

An Act to vest certain lands in the Saint Thomas Cemetery Company.

WHEREAS the Rev. Thomas Baldwin, pastor of the Baptist Church in St. Thomas, *ex officio* trustee; the Rev. G. N. A. F. T. Dickson, minister of the Wesleyan Methodist Church in St. Thomas, *ex officio* trustee; the Rev. Edward Morrow, minister of the Wesleyan Methodist Church in St. Thomas, *ex officio* trustee; Dr. George Southwick, of St. Thomas, trustee; Archibald McIntyre, of St. Thomas, trustee; William Ross, of St. Thomas, trustee; Daniel Ferguson, of Yarmouth, trustee; John McNicol, of Southwold, trustee, and John McKay of St. Thomas, trustee, being a majority of the trustees of the Burying Ground or Cemetery, hereinafter described, on the farm of the late James Thomas Curtis, being part of lot number two in the ninth concession of the township of Yarmouth, in the county of Elgin, Ontario, now within the town of St. Thomas, have, by their petition to the Legislature, represented that the said Cemetery hereinafter described, consisting of two acres of land, about thirty years ago, was purchased from the said James Thomas Curtis and paid for in full, as appears by the receipt for the purchase money given by said James Thomas Curtis to Daniel Harney, Esquire, the secretary of the said burying ground or cemetery, that is annexed to the journal book of proceedings of the said committee or trustees of said burying ground; Also, representing that for many years said burying ground has ceased to be used as a burying ground: And whereas the said township lot number two, of which the said burying ground or cemetery block is a part, was granted by the Crown to the said James Thomas Curtis many years ago, and the said two acres for burying ground or cemetery were purchased from said James Thomas Curtis with the proceeds of the subscriptions of the original lot holders by the then committee or trustees without receiving from him a conveyance for the whole of the said burying ground, lands or cemetery: And whereas some of the lot holders received from said James Thomas Curtis conveyances for the burying ground lots they selected, some of which conveyances still exist, while a great many have been mislaid or lost and have not been registered, except the one hereinafter mentioned that contains a description of the whole of the said cemetery block: And whereas no conveyance of the whole of said burying ground or cemetery block of two acres, was made by the late James Thomas Curtis to the said committee or trustees, and no provision is made by statute for such conveyance thereof, the said trustees in their petition to the Legislature prayed that the cemetery lands may be vested in them and their successors, and that they, or a majority of them, may be enabled to sell and convey the same or any part thereof, and apply the net proceeds of such sale or sales for other cemetery lands and purposes: and it is desirable to grant the prayer of said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Description of
cemetery
lands.

1. The said cemetery block at the north end of Pearl Street, in the town of St. Thomas, marked "cemetery" on a plan of part of said township, lot number two in the ninth concession of Yarmouth, made by Daniel Harney, Esquire, Provincial Land Surveyor, for the said late James Thomas Curtis, and deposited in the Registry Office, is described by metes and bounds in 10 Registration, No. six thousand nine hundred and twenty-seven, memorial of a conveyance dated fifth December, one thousand eight hundred and forty-three, and registered thirteenth day of August, one thousand eight hundred and forty-four, as follows;

"The out boundaries of the same are described as follows: 15
"that is to say commencing at a point in the centre of Pearl
"street aforesaid, the centre of this street is found in manner as
"aforesaid at the distance of one thousand one hundred and
"thirty feet from the south limit of Talbot road aforesaid, then
"south eighty-seven degrees and forty minutes east at right 20
"angles to the centre line of Pearl street nine rods and seven
"feet, then north two degrees and twenty minutes east seventeen
"rods, then north eighty-seven degrees and forty minutes west
"nineteen rods, then south two degrees and twenty minutes
"west seventeen rods, then south eighty-seven degrees and forty 25
"minutes east nine rods, nine feet and six inches to the centre
"of Pearl street, and place of beginning; Pearl street is fifty
"feet wide, and extends from the south limit of Talbot road to
"the south limit of the said cemetery or burying ground, the
"said cemetery or burying ground is surveyed and laid out into 30
"one hundred and twenty-six lots, each lot being one square
"rod, and also four other lots designated on the map or plan of
"the said survey as lots letters A. B. C. and D., each containing
"thirty square rods, namely five rods east and west and six rods,
"north and south, together with eight streets, walks or passages 35
"two of said streets or walks being one rod wide each, and the
"remaining six being half a rod wide each, the east limit of the
"principal street, walk or passage which is one rod wide in-
"tersects the south limit of the said cemetery just seven feet
"east from the point where the centre line of Pearl street in- 40
"tersects the said south limit of the said cemetery, then pro-
"ducing the centre line of said Pearl street at sixteen feet and
"a half to the south side of a street half a rod wide and extends
"from the east to the west limit of the said burying ground at
"forty-one feet three inches, the north-west angle of lot num- 45
"ber ninety-four, and the south-west angle of said lot letter B.
"seven feet to the east, and the north-east angle of lot number
"ninety-five, and the south-east angle of said lot letter A. nine
"feet and six inches to the west, then at one hundred and forty
"feet three inches, the south limit of another street one rod 50
"wide and extending from the east limit until within one rod of
"the west limit of the burying ground at this point, the north-
"east angle of lot letter A. is nine feet six inches west, and the
"north-west angle of lot letter B. is seven feet to the east, then
"at one hundred and fifty-six feet nine inches, the south-west angle 55
"of lot letter C. is seven feet to the east, and the south-east angle
"of lot letter D. is nine feet six inches to the west, then at two
"hundred and fifty-five feet nine inches intersects another
"street or walk of a half rod wide, and extending from the east

- "to the west limit of the said cemetery from this point, the
 "north-east angle of letter D. is nine feet six inches to the
 "west, and the north-west angle of lot letter C. is seven feet to
 "the east at two hundred and sixty-four feet, intersects the
 5 "south limit of lot number forty-two one rod, south of the north
 "limit of the said burying ground, the west side of the said
 "cemetery has one (tier or) row of lots of one rod in depth,
 "then a street or walk of half a rod wide, then two tiers or rows
 "of lots being two rods deep, then a street half a rod wide,
 10 "then the west limit of lots letter A. and D., the two last men-
 "tioned streets or walks extend from the north limit of the south
 "street to the south limit of the north street; in like manner is
 "the east end of the said cemetery surveyed, namely along
 "the east limit is a tier of lots one rod deep, then a street of
 15 "half a rod wide, then two tiers of lots each being one rod
 "deep, then a street a half a rod wide, then the east limit of
 "lot letters B. and C. on the south ends or along and adjoining
 "the south ends of lots A. and B. are a tier of lots a rod deep,
 "and fronting on the north side of the south street or walk."
 20 Notwithstanding any conveyances for any of the burying
 ground lots in said cemetery, heretofore made by the said James
 Thomas Curtis, the whole of the said burying ground or ceme-
 tery including the walks and allowances for walks therein, shall
 be now vested in the committee or trustees aforesaid, namely: Cemetery
 25 the Reverend Thomas Baldwin, Pastor of the Baptist Church, vested in Trus-
 in St. Thomas. the Reverend G. N. A. F. T. Dickson, Minister of
 the Wesleyan Methodist Church, in St. Thomas, the Reverend
 Edward Morrow, Minister of the Wesleyan Methodist Church,
 in St. Thomas, Dr. George Southwick, Archibald McIntyre,
 30 William Ross, Daniel Ferguson, John McNicol and John McKay,
 Trustees, as hereinbefore mentioned, or their successors and as-
 signs for all the estate and interest that it was intended, should
 be conveyed by the said James Thomas Curtis, when the said
 lands were purchased from him at fifty dollars an acre by the com-
 35 mittee of the burying ground, and paid for to him on the fifth
 day of December, in the year of Our Lord, one thousand eight
 hundred and forty-three; the said trustees or their successors, or
 a majority of them may exchange said lands for other lands; or
 sell, convey and dispose of the same, including the walks and
 40 allowances for walks therein, either at private sale or public
 auction, with power to buy in at such auction, and to resell in
 such manner as to them may seem fit.

2. The vendors shall apply the net proceeds of such sale or
 sales as follows, namely, by refunding, if required to do so, to
 45 any lot holder or the person now entitled to the same, on proof
 that is satisfactory to them that such applicant is the person
 entitled to the same, double the amount originally paid by the
 claimant for his or her cemetery lot; and the net residue
 thereafter shall be applied for other cemetery lands and purposes;
 50 the said vendors shall not be required to give in their convey-
 ances any other title than what is vested in them by this Act;
 the purchaser or purchasers shall not be liable to see to the ap-
 plication of the purchase money: nothing in this Act contained
 shall be construed to affect the rights of any other person or
 55 persons in respect of the said lands.

No. 95.

3rd Session, 2nd Parliament, 37 Victoria, 1874.

BILL.

An Act to vest certain lands in the Saint
Thomas Cemetery Company.

First Reading, 17th February, 1874.

(*PRIVATE BILL.*)

Mr. WILSON.

TORONTO:

PRINTED BY HUNTER, ROSE, & Co.

An Act to authorize the Brockville and Ottawa Railway Company to issue preferential mortgage debentures and for other purposes.

WHEREAS, at the session of the Legislature of the Province of Ontario, held in the year of the reign of Her Majesty Queen Victoria, the following resolution was passed, viz: Resolved, that the Canada Central Railway Company having offered to accept in lieu of the land for which that company has obtained a decree in chancery against this Province, the mortgages held by the Counties of Lanark and Renfrew, the Township of Elizabethtown, and the Town of Brockville against the Brockville and Ottawa Railway Company, as an indemnity against the liability of the said municipalities to the Municipal Loan Fund, and as well the said municipalities as the Brockville and Ottawa Railway Company, having respectively intimated their concurrence in the said offer, so far as the same affects their interests respectively, and so that the liability of the municipalities to the Province may be discharged, and that the liability of the Brockville and Ottawa Railway Company may thenceforward belong to the Canada Central Railway Company instead of to the said municipalities, this House is content that the said compromise or settlement so proposed to the Government, or any modification thereof which may be more advantageous to the Province, shall be made by His Excellency in Council, if His Excellency shall deem such compromise to be for the public interest, and subject to such terms and conditions, if any, as the Lieutenant-Governor in Council shall require; And whereas, in and by a certain order in council, approved by the Lieutenant-Governor of the Province of Ontario, on the twenty-seventh day of June, A. D., one thousand eight hundred and seventy-three, it was recommended that the terms of settlement mentioned in the above recited resolution should be carried out as modified and subject to the terms and conditions hereinafter stated, that is to say:

(1) The Canada Central Railway Company to release and abandon all claims to further land grants under former legislation.

(2) The Canada Central Railway Company to return to the Brockville and Ottawa Railway Company one hundred thousand dollars of moneys said to have been formerly advanced, and the said Canada Central Railway Company to covenant with the crown that the Brockville and Ottawa Railway Company will expend in repairs and equipment of the Brockville and Ottawa road, the sum of one hundred thousand dollars, such expenditure to be begun within three months and ended within fifteen months; In case the Brockville and Ottawa Railway Company issues mortgage debentures to secure to the Canada Central Railway Company the debt transferred to it, one hundred thousand dollars of such debentures are to be

held by the crown as security for the above expenditure, and such debentures with all accrued interest, are to be from time to time transferred to the Canada Central Railway Company as twenty thousand dollars of expenditure is made, on the certificate of an engineer to be named. (3) In case the Brockville and Ottawa Railway Company issue mortgage debentures as before mentioned, the crown to be entitled to retain one hundred thousand dollars further of such debentures in respect of the extension of the Canada Central Railway from Renfrew Village to their terminus at or near Pembroke, such debentures with all accrued interest to be transferred to the Canada Central Railway Company as follows: the rateable mileage proportion on the construction of twenty miles of the said extension, and the remainder on the completion of the residue of the extension, within three years from the first day of October, in the year of our Lord, one thousand eight hundred and seventy-three; In case the extension is not completed within the time limited any part of the debentures and interest undelivered at the expiration of the time, to be forfeited to the crown; the Canada Central Railway Company to remain entitled as at present to the subsidy granted under Order in Council in respect of the extension to Pembroke; the Canada Central Railway Company not to be bound to build the extension, or any part thereof, in case it prefers to forfeit the subsidy, and the securities retained by the crown in respect of the extension, or such part thereof as the Canada Central Railway Company may not build. (4) In case no mortgage debentures are issued by the Brockville and Ottawa Railway Company, the transaction to be so arranged that the crown and the Canada Central Railway Company shall be joint holders of the Brockville and Ottawa Railway Company mortgages, the crown to the extent of the two hundred thousand dollars, to be from time to time transferred as aforesaid to the Canada Central Railway Company, and the Canada Central Railway Company for the other part of the total sum secured by said mortgages; And whereas the liabilities of the said municipalities to the Municipal Loan Fund for and in respect of the moneys borrowed by them and loaned by them to the Brockville and Ottawa Railway Company, have by Act of the Legislature of Ontario, passed in the thirty-sixth year of the reign of Her Majesty Queen Victoria, been reduced to the following sums, viz: the Town of Brockville to one hundred and thirty-five thousand, three hundred and seventy-five dollars; the Township of Elizabethtown to ninety-eight thousand eight hundred and forty-seven dollars twenty-three cents; the Counties of Lanark and Renfrew to three hundred and twenty-two thousand and sixty-nine dollars, ninety-three cents; making in all the sum of five hundred and fifty-six thousand two hundred and ninety-two dollars, sixteen cents; And whereas the terms of settlement mentioned in said resolution as modified and subject to the terms and conditions hereinbefore stated, have been duly carried out by the execution of the necessary instruments, and by an indenture bearing date the seventeenth day of January, in the year of our Lord one thousand eight hundred and seventy four, and made between the Corporation of the Town of Brockville, the Corporation of the Township of Elizabethtown, the Corporation of the County of Lanark, and the Corporation of the County of Renfrew, of the first part, the Brockville and Ottawa Railway Company of the second part, the Canada Central Railway Company of the third

part, and Her Majesty, Queen Victoria, of the fourth part: after reciting (amongst other things) the mortgage given by the Brockville and Ottawa Railway Company to the Town Council of Brockville, the Municipality of the Township of
5 Elizabethtown, and the municipal Council of the united Counties of Lanark and Renfrew, to secure the said municipalities in the due repayments of the amounts borrowed by them upon the credit of the Consolidated Municipal Loan Fund for Upper Canada, and loaned by them to the Brockville and Ottawa
10 Railway Company, the Act of the Parliament of the late Province of Canada, passed in the twentieth year of Her Majesty's reign, intituled "An Act to amend and extend the charter of the Brockville and Ottawa Railway Company," affirming the validity of said mortgages, and the resolution and Order in
15 Council hereinbefore set out, the said mortgages and all the property of the Brockville and Ottawa Railway Company, mentioned therein or conveyed thereby, or intended so to be, and all moneys due or owing, or which might thereafter become due or owing by the said The Brockville and Ottawa Railway
20 Company, to said Municipalities, or any of them, by reasons of said loans or said mortgages, or said last mentioned Act of Parliament were granted, bargained, sold, assigned, transferred, and set over unto Her Majesty, Queen Victoria, and the said The Canada Central Railway Company, and their successors
25 and assigns, subject and according to the terms and conditions set out in said Order in Council, and to the condition that no greater sum should be claimed or collected from the said The Brockville and Ottawa Railway, by virtue of the said indenture than the said sum of five hundred and fifty-six thousand
30 two hundred and ninety-two dollars, sixteen cents, with interest at five per cent, and by the said indenture the Brockville and Ottawa Railway Company expressly consented and agreed to the said transfer and assignment, and recognised and acknowledged their liability to pay the said sum of five hundred and
35 fifty-six thousand two hundred and ninety-two dollars, sixteen cents. And whereas, under and by virtue of an Act of the Parliament of the late Province of Canada, passed in the twenty-seventh year of the reign of Her Majesty Queen Victoria, and intituled "An Act for the re-organisation of the Brockville and
40 Ottawa Railway Company, and to authorize the issue of preferential bonds for certain purposes," the said The Brockville and Ottawa Railway Company have issued certain preferential bonds or debentures, called "Preferential Extension Bonds" bearing seven per cent interest, to the amount of sixty thousand
45 pounds sterling, which bonds are by said Act declared to form the first charge upon the Brockville and Ottawa Railway, next after the claims of the said municipalities, and subject to their first charge. And whereas, the mortgage mentioned in the second section of said last mentioned Act, has been duly executed
50 as security for the payment of said preferential extension bonds, And whereas, the Brockville and Ottawa Railway Company have prayed to be allowed to issue mortgage debentures or bonds for the amount which they are now liable for to Her Majesty, Queen Victoria, and the Canada Central Railway
55 Company, under the said mortgage, to the said municipalities, and the transfer thereof, and that the "Preferential Extension Bonds" issued under said last recited Act, should as between the holders thereof and the Canada Central Railway Company, and the Brockville and Ottawa Railway Company, rank *pari*

passu with the debentures or bonds, to be issued under this Act as claims, charges, or liens upon the property and rights of the Brockville and Ottawa Railway Company, comprised in the said several mortgages, subject to the right of Her Majesty to claim priority over the holders of the said "Preferential Extension Bonds," issued under the last recited Act, in respect of the two hundred thousand dollars, retained by her or such portion thereof as she may be entitled to retain, in case of the noncompliance of the Canada Central Railway Company with the terms upon which they will be entitled to receive the same, and have also prayed for certain other powers in connection with the premises.

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Company may
issue preferential
bonds for
\$556,292.16.

1. The Brockville and Ottawa Railway Company may issue mortgages, debentures or bonds bearing five per cent interest, and not exceeding in amount in the whole five hundred and fifty-six thousand two hundred and ninety-two dollars and sixteen cents, being the amount of their liability to Her Majesty and the Canada Central Railway Company, under the said mortgages to the said municipalities, and the said transfer thereof, and the said mortgage debentures, or bonds shall be called "Preferential Mortgage Debentures," and shall be and form the first charge on all the property and rights of the Brockville and Ottawa Railway Company comprised in the said several mortgages, to the same extent and in the same manner as the said mortgages to said municipalities, formed or ever intended to form such first charge, except as is hereinafter provided.

When interest
and principal
to be payable.

2. Such preferential mortgage debentures shall bear interest at the rate aforesaid, to be computed from the first day of July, in the year of our Lord one thousand eight hundred and seventy-three, and to be payable half-yearly, on each first day of January and first day of July, the first payment to become due on the first day of July, in the year of our Lord one thousand eight hundred and seventy-four, and to be for a year's interest, and the principal money secured thereby shall be payable in twenty years from the first day of July, in the year of our Lord one thousand eight hundred and seventy-four; and such debentures may be in the form given in schedule A to this Act appended, or to similar effect; and two hundred thousand dollars shall be made payable to Her Majesty Queen Victoria, or bearer, and the residue to the Canada Central Railway Company, or bearer.

Form of debentures.

Rights of bondholders.

3. As between the Canada Central Railway Company and their assigns The Brockville and Ottawa Railway Company, and the holders of said preferential extension bonds, the said preferential extension bonds, and the preferential mortgage debentures to be issued under this Act, shall rank *pari passu* as charges upon all the property and rights of the Brockville and Ottawa Railway Company, which by means of the mortgages to said municipalities, or the mortgage to secure said preferential extension bonds, or any Act or Acts of the Parliament of the late Province of Canada, or of the Legislature of Ontario was, or is, or may become, or might have become liable

- for the payment of the said debts the said municipalities, or of said preferential extension bonds; and said preferential extension bonds, and preferential mortgage debentures, shall jointly (and *pro rata* as to their respective amounts) form the
- 5 first charge upon all said property subject however to the right of Her Majesty to priority over the said preferential extension bonds, in respect of the two hundred thousand dollars retained by her, or of any portion thereof, which may be forfeited to her in consequence of the non-compliance by the Canada Central
- 10 Railway Company with the terms upon which they would be entitled to a transfer thereof, but as any portion of said two hundred thousand dollars is transferred to the Canada Central Railway Company, such portion shall lose such priority, and rank *pari passu* with the said other bonds.
- 15 4. The right of voting at all meetings of the Brockville and Ottawa Railway Company, now possessed by the holders of said preferential extension bonds, in respect thereof shall continue as if this Act had not been passed, but no right of voting at such meetings is given to the holders of said preferential
- 20 mortgage debentures in respect thereof.

Voting at meetings.

5. Whenever the said indenture of transfer, dated the seven-teenth day of January, in the year of our Lord 1874, is registered in the book for any one municipality of any county or riding containing more than one municipality in respect of which it is
- 25 necessary or desirable to have said indenture registered, it shall be sufficient to enter in the book for such other municipalities, a statement of the date of the said indenture of the names of the parties thereto and of the book and page in which the same is as aforesaid registered in the usual way; and such statement
- 30 shall be a good and sufficient registration of such indenture for such municipality; and each registrar is hereby required to enter such statement when requested by any person so to do, on receiving a fee of fifty cents for so making and entering each such statement.

Registration of indenture of 17th Jan. 1874.

SCHEDULE A.

THE BROCKVILLE AND OTTAWA RAILWAY COMPANY.

Preferential Mortgage Debenture.

Whereas the liability of the different municipalities who borrowed moneys upon the credit of the Consolidated Municipal Loan Fund of Upper Canada, and loaned the same to the Brockville and Ottawa Railway Company, has been reduced by Act of the Legislature of Ontario, to five hundred and fifty-six thousand two hundred and ninety-two dollars and sixteen cents; And whereas the mortgages given by the Brockville and Ottawa Railway Company to the said municipalities, to secure the amount of said loan, have been transferred and assigned to Her Majesty Queen Victoria and the Canada Central Railway; And whereas the Brockville and Ottawa Railway Company have been authorized by Act of the Legislature of Ontario, passed in the thirty-seventh year of Her Majesty's reign, to issue these preferential mortgage debentures for the above amount, which debentures, jointly with the preferential exten-

sion bonds issued under 27 Victoria, chapter 57, and declared to form the first charge upon the property and rights of the Brockville and Ottawa Railway Company;

The Brockville and Ottawa Railway Company hereby promise to pay to _____, or bearer, the sum of

_____ dollars, part of the said debt, in twenty years from the first day of July, in the year of our Lord one thousand eight hundred and seventy-four, and also interest thereon, at the rate of five per centum per annum, to be computed from the first day of July, in the year of our Lord one thousand eight hundred and seventy-three, to be paid on the first days of January and July in each year, upon presentation and surrender of the proper coupons hereto attached, at the Company's office in Brockville, Canada.

Signed and sealed at Brockville, this _____ day of _____, one thousand eight hundred and _____

L. S.

No. 96.

3rd Session, 2nd Parliament, 37 Victoria, 1874.

BILL.

An Act to authorize the Brockville and Ottawa Railway Company to issue Preferential Mortgage Debentures, and for other purposes.

First Reading, 17th February, 1874.

(PRIVATE BILL.)

Mr. BETHUNE.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act respecting the Omemee, Bobcaygeon and
North Peterborough Junction Railway Company.

WHEREAS, the Omemee, Bobcaygeon, and North Peter- Preamble.
borough Junction Railway Company, have by their peti-
tion, represented that it is desirable that certain amendments
should be made to the Act incorporating the said company, and
5 it is expedient that the prayer of the said petition should be
granted:

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:—

- 10 **1.** The said company shall, in addition to the powers of con- Power to con-
struction, granted in their Act of incorporation, have full power struct branch
and authority to lay out, construct and complete a double or line to Bob-
single iron railway from any point on the line of the Midland caygeon.
Railway of Canada, between the village of Millbrook and the
15 Town of Peterborough, to the Village of Bobcaygeon.

- 2.** The name of the said company shall be changed to "The Change of
Midland Extension Railway Company." name of Com-
pany.

BILL.

An Act respecting the Omemee, Bobcaygeon and North Peterborough Junction Railway Company.

1st Reading, 17th February, 1874.

PRIVATE BILL.

Mr. DENOUE.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act to authorize the Courts of Queen's Bench, Common Pleas and Chancery for Ontario, to admit Benjamin Valleck Elliot, to practise as an Attorney and Solicitor therein.

WHEREAS, Benjamin Valleck Elliot has by his petition Preamble.
set forth that in the year one thousand eight hundred and thirty-seven, he was duly admitted an Attorney of Her Majesty's Courts of Queen's Bench, Common Pleas, and
5 Exchequer, at Westminster, and a Solicitor of the High Court of Chancery, in England; that from the time he was so admitted, he was constantly engaged in the duties of his profession as aforesaid, until the year one thousand eight hundred and fifty-six, when he came to Canada; that after his arrival
10 in this Province, he was duly bound by a contract in writing to a practising Attorney and Solicitor in this Province, to serve him as his clerk for one year, and did during such year, duly serve the said Attorney and Solicitor as his clerk; that after the expiration of such year of service, he attended the sittings of
15 the Courts of Queen's Bench and Common Pleas, at Toronto, during one of the terms of such Courts, when he learned that he should have attended the sittings of such Courts for two of such terms, during his term of service as aforesaid; that he was on that account unable to procure his admission as an
20 Attorney of the Courts of Queen's Bench and Common Pleas, and a Solicitor of the Court of Chancery for Ontario; that since then he has been practising as a Conveyancer and Notary Public, at Exeter, in the County of Huron;

Therefore, Her Majesty, by and with the advice and consent
25 of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. It shall and may be lawful for the Courts of Queen's
Bench and Common Pleas, and the Court of Chancery for
Ontario, respectively, to admit the said Benjamin Valleck
30 Elliot, as an Attorney and Solicitor of the said Courts, upon
his paying the proper fees in that behalf, any law or usage to
the contrary notwithstanding.

Superior
Courts may
admit B. V.
Elliot to prac-
tice therein.

BILL.

An Act to authorize the Courts of Queen's Bench, Common Pleas and Chancery for Ontario, to admit Benjamin Valleck Elliot, to practise as an Attorney and Solicitor therein.

First Reading, 17th February, 1874.

(PRIVATE BILL.)

Mr. CURRIE.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act to legalize certain By-Laws of the County of Oxford.

WHEREAS, the Council of the County of Oxford, on the fourteenth day of June, one thousand eight hundred and seventy-two, for the purpose of imposing county rates, equalized the assessment rolls of the different townships, towns and villages of the said county, for the year one thousand eight hundred and seventy-two, which equalization is hereinafter set forth in Schedule A; And whereas also the Council of the said county, on the twenty-first day of June, one thousand eight hundred and seventy-three, for the like purpose, equalized the assessment rolls of the said county for the year one thousand eight hundred and seventy-three, which equalization is also hereinafter set forth in Schedule B; And whereas also, the said council by their by-law, passed the twenty-first day of June, one thousand eight hundred and seventy-three, numbered one hundred and seventy-three, did authorize the raising on all the ratable property of the said county, for county purposes, of the several sums of fourteen thousand four hundred and fifty dollars, and five thousand one hundred and sixty-nine dollars; And whereas also, the said council by their by-law, passed the twenty-sixth day of August, one thousand eight hundred and seventy-three, and numbered one hundred and seventy-five, did declare and enact that it should be lawful for that portion of the said county therein described, to aid and assist The Credit Valley Railway Company, by giving the said company two hundred thousand dollars by way of bonus, and for the purpose of paying the interest and providing a sinking fund for the payment of the debentures to be issued under the said by-law, did direct that an equal annual special rate of two mills and sixty-eight one hundredths of a mill in the dollar, should be assessed, raised, levied and collected, in each of the years named in said by-law, upon all the ratable property within that part of the said county affected by said by-law, and did thereby make further provisions for the carrying into effect the said bonus, and for paying the debt to be created thereunder; And whereas, doubts have arisen whether the said assessment rolls were properly equalized, and whether the rate so expressed in the said by-law should have been based on the equalization so made in the year one thousand eight hundred and seventy-two, or on that so made in the year one thousand eight hundred and seventy-three, and it is expedient to remove such doubts, and to confirm the said rolls so equalized, as also the said two by-laws, and each of them;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The equalization of the said rolls so made on the fourteenth day of June, one thousand eight hundred and seventy-two, (contained in Schedule A), is hereby confirmed and declared

Equalization
of rolls of 14th
June, 1872,
confirmed.

to have been from the making of the same, and thence continually legal and valid, any law or statute to the contrary, notwithstanding.

Equalization
of rolls of 26th
August, 1873,
confirmed.

2. The equalization of the said rolls so made on the twenty-sixth day of August, one thousand eight hundred and seventy-three, (contained in Schedule "B)," is hereby confirmed and declared to have been from the making of the same, and thence continually legal and valid, any law or statute to the contrary, notwithstanding. 5

By-law 173
declared valid.

3. The said by-law, numbered one hundred and seventy-three, is declared to have been from the time of its passing, and to be and continue legal and valid, any law or statute to the contrary, notwithstanding. 10

By-law 175
and debentures
under it
confirmed.

4. The said by-law, numbered one hundred and seventy-five, and all debentures issued, or to be issued thereunder, are hereby declared to have been from their passing or making respectively, legal, valid and binding, and shall continue legal, valid and binding upon that portion of the said county of Oxford affected thereby, any law, statute or proceeding, either at law or in equity, or otherwise, to the contrary, notwithstanding. 15 20

SCHEDULE "A."

NAME OF MUNICIPALITY.	Number of Acres Assessed.	Equalized Rate per acre.	Total value of Real and Personal Property as Equalized.
		\$	\$
Township of Blandford.....	29,629	18.00	608,322
" Blenheim	66,334	20.00	1,560,680
" Dereham	64,833	20.00	1,507,660
" East Nissouri.....	46,300	21.00	1,112,300
" North Norwich.....	34,062	22.00	934,364
" South Norwich.....	36,256	18.00	762,608
" North Oxford.....	20,304	20.00	466,080
" East Oxford.....	34,520	22.00	944,440
" West Oxford	25,300	22.00	646,600
" East Zorra.....	56,269	22.00	1,437,918
" West Zorra.....	53,659	21.00	1,301,839
Town of Woodstock.....	.....	.....	580,000
" Ingersoll.....	.....	.....	485,000
" Tilsonburg.....	.....	.....	150,000
Village of Embro.....	.....	.....	70,000
	469,066		12,567,811

SCHEDULE "B."

NAME OF MUNICIPALITY.	Equalized Rate per acre.	Total value of Real and Personal Property as Equalized.
	\$	\$
Township of Blandford.....	18.00	605,112
" Blenheim.....	30.00	1,494,920
" Dereham.....	30.00	1,454,360
" East Nissouri.....	21.00	1,087,443
" North Norwich.....	22.00	883,642
" South Norwich.....	18.00	726,120
" North Oxford.....	20.00	486,440
" East Oxford.....	22.00	887,734
" West Oxford.....	22.00	635,570
" East Zorra.....	22.00	1,395,718
" West Zorra.....	21.00	1,294,650
Town of Woodstock.....	.....	605,998
" Ingersoll.....	.....	605,671
" Tilsonburg.....	.....	189,289
Village of Embro.....	.....	79,420
		12,432,087

BILL.

An Act to Legalize certain By-Laws of the
County of Oxford.

First Reading 17th February, 1874.

(PRIVATE BILL.)

Mr. OLIVER.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act to authorize the Courts of Queen's Bench and Common Pleas, and the Court of Chancery, to admit Henry William Delany as an Attorney-at-Law, and Solicitor in Chancery.

WHEREAS, Henry William Delany, of the village of Trenton, in the county of Hastings, gentleman, has by his petition represented that in or about the month of July, 1858, he was duly articulated for the term of five years to one Adam Henry Meyers, an attorney of the Courts of Queen's Bench and Common Pleas, and a solicitor in Chancery; that since the date of the said articles he has, for a period of sixteen years, been continuously and exclusively engaged in the study and practice of law, but owing to the fact that portions of his service under the said articles were performed in the offices of other attorneys than the said Adam Henry Meyers, with the consent of the said Meyers, but without any legal assignment of the said articles, he has been unable to furnish the proofs of service under articles required by the regulations of the Law Society, and the Statutes in that behalf; And whereas, the said Henry William Delany has prayed that an Act may be passed authorizing the Courts of Queen's Bench and Common Pleas, and the Court of Chancery to admit him as an attorney-at-law and solicitor in Chancery, upon his passing the final examination for admission prescribed by the regulations of the Law Society, and upon payment of the usual fees, and it is expedient to grant the prayer of the said petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. It shall be lawful for the Courts of Queen's Bench and Common Pleas, and the Court of Chancery, to admit the said Henry William Delany as an attorney-at-law and solicitor in Chancery, upon his passing the final examination for admission prescribed by the regulations of the Law Society of Ontario, and upon payment of the usual fees in that behalf.

H. W. Delany
may be ad-
mitted as an
attorney.

BILL.

An Act to authorize the Courts of Queen's Bench and Common Pleas, and the Court of Chancery, to admit Henry William Delany as an Attorney-at-Law and Solicitor in Chancery.

First Reading, 17th February, 1874.

(*PRIVATE BILL.*)

Mr. GRAHAM.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act respecting the Midland Railway Company of Canada.

WHEREAS, the Midland Railway Company of Canada Preamble.
have by their petition prayed for certain amendments
to their Act of Incorporation, and that certain additional powers
may be granted them, and it is expedient to grant the prayer
5 of the said petition :

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows :—

1. The Midland Railway Company of Canada may guarantee Midland R. Co.
may guarantee
Omeme, B. &
N. P. bonds.
10 the interest on the bonds issued by the Omeme, Bobcaygeon and
North Peterborough Junction Railway Company, such issue
not exceeding nine thousand dollars per mile of the railway
actually under construction ; provided that no such guarantee
shall be given unless authorized by resolution of a meeting of
15 the shareholders specially called for the purpose.

2. The annual meeting of the shareholders of the Midland Annual meet-
ings.
Railway of Canada, for the election of directors, shall hereafter
be held on the third Tuesday of February, in each year, and
the present directors shall retain office until the third Tuesday
20 in February of the year one thousand eight hundred and
seventy-five.

3. Every shareholder of one or more shares of the capital Scale of votes.
stock of the company, shall at any general meeting of the
shareholders be entitled to one vote for every share held by
25 him.

4. The said the Midland Railway of Canada may require Issue of new
scrip.
the shareholders of the company, to surrender the scrip or
certificates for stock now held by them, and issued in the
former name of the company, and every shareholder shall on
30 such surrender receive new scrip or certificates for stock in the
name of the company to an equal amount, in lieu of the scrip
so surrendered by him to the company.

5. Whereas differences have arisen between the company Differences
between Com-
pany and the
township of
Ops, and the
town of Lind-
say.
and the Township of Ops, and the Town of Lindsay, as to their
85 respective legal rights and position : And whereas it is expedient
to authorize the said corporations, if they shall agree together
to settle and compromise the said differences, it shall be lawful
for the said township and town to surrender and transfer to the
said company any stock of the company, on any terms which
40 may be agreed on between the said corporations respectively
and the said company ; provided always that nothing in this

section contained, shall in any wise affect the legal rights of any of the said corporations, in case no agreement is made between them.

Liens on Railway property. 6. It shall be lawful for the said railway and any corporations having liens on the property of the said railway, to agree for the surrender of such liens on such terms as they may deem proper. 5

Second mortgage bonds may be used to carry agreements made only under sections 5 & 6. 7. It shall be lawful for the said company to appropriate, and use so much of its second mortgage bonds as may be necessary, in order to carry out any agreement come to under the fifth and sixth sections of this Act. 10

NO. 102.
3rd Session, 2nd Parliament, 37 Victoria, 1874.

BILL.

An Act respecting the Midland Railway Company of Canada.

First Reading, 17th February, 1874.

(PRIVATE BILL.)

MR. DEROCHÉ.

TORONTO:

Printed by HUNTER, ROSE & Co.

An Act to enable the Corporation of the Village of Southampton, in the County of Bruce, to dispose of certain lands.

WHEREAS, the corporation of the Village of Southampton, Preamble.

in the County of Bruce, have by their petition represented that the Market Square Reserve, situated on High street in the said village, and bounded on the north by High street aforesaid, on the south by Palmerston street, on the east by Victoria street, and on the west by Albert street, containing over six acres, is situated in the principal business portion of the said village, and is far too large for market purposes, and that in its present unoccupied state, it retards the progress of the said village, and that the said corporation lately caused the said reserve to be surveyed by Provincial Land Surveyor Cyrus Carroll, and a plan thereof to be made, setting apart certain portions thereof into building lots, but that doubts having been raised as to their power to lease or sell any part of the said reserve, and as to their right thereto, being of a fiduciary character, a cloud has been cast upon their title deed, and it has been found impossible for them to dispose of any of the said lots; And whereas the said corporation have prayed for an Act to enable them to lease or sell for building purposes, such portions of the said reserve as are no longer required for market purposes;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The corporation of the Village of Southampton, shall have the same power as any subject of Her Majesty has, in regard to land possessed by him in fee simple absolute, to lease, sell, convey and dispose of, in fee simple absolute, such portions of the said Market Square Reserve on High street in the said village as are divided into building lots, according to the plan or survey of Provincial Land Surveyor, Cyrus Carroll, made for the said corporation, freed and exonerated from any trust or purposes whatsoever, for which the same may now be held by the said corporation.

Power to
Village of
Southampton
to sell market
square.

2. Every disposition of, or contract in regard to the said lands or any part thereof, shall be under the seal of the said corporation, and signed by the head, and clerk thereof, for the time being.

Form of con-
veyance.

3. The proceeds of any and every disposition by the said corporation of the said lands under this Act, shall be held and applied by it for municipal purposes.

Application of
proceeds of
sale.

Consent of
ratepayers to
sale to be first
obtained.

4. Provided, that before any portion of the said lands shall be so disposed of, the said corporation shall submit a by-law for the consent of the ratepayers of the said village thereto, according to the Municipal Act or Acts now in force.

No. 103.

3rd Session, 2nd Parliament, 37 Victoria, 1874.

BILL.

An Act to enable the Corporation of Southampton, in the County of Bruce, to dispose of certain lands.

First Reading, 17th February, 1874.

(PRIVATE BILL)

MR. SINCLAIR.

TORONTO:

Printed by HUNTER, ROSE & Co.

An Act to enable the Corporation of the Town of Port Hope to incur liability for the construction of Water Works for the Town.

WHEREAS, the corporation of the Town of Port Hope, Preamble.
 have by their petition represented that under the Act of the Parliament of the late Province of Canada, passed in the twenty-fourth year of the Reign of Her Majesty, and chaptered 5 sixty-two, and intituled "An Act to consolidate the debt of the Town of Port Hope," it is unlawful for them to incur any further debt or liability than is provided for in that Act, and that the debt or liability provided for in the said Act has been incurred, and that it is desirable, and would be advantageous to the said 10 Town, and a protection of its interests to have a system of water works introduced therein for the purpose of extinguishing fires, and for other purposes, and have prayed that the said corporation may be authorized to incur a further debt or liability for the construction of water works in the said town;
 15 And whereas it is expedient to grant the prayer of the said petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

20 **1.** Notwithstanding any law in force to the contrary, it shall be lawful for the corporation of the Town of Port Hope, to incur such further debt or liability, as it may deem expedient and necessary, and as it may be lawful for the said corporation to incur under the provisions of the laws respect-
 25 ing Municipal Institutions in the Province of Ontario, for the purpose of constructing water works for the said town, and laying down water pipes in the streets of the said town, or for the purposes of acquiring stock in, or lending money to any corporate water company undertaking to construct water works
 30 for, and lay down water pipes or conduits for the conveyance of water in or under the streets or public squares of the said town, or for guaranteeing the payment of money borrowed by, or of debentures issued for money so borrowed by any such company.

Power to incur liability for construction of water works.

35 **2.** Any debt or liability incurred by the said corporation under this Act, shall be incurred in the manner, and in accordance with the provisions of the law in force respecting Municipal Institutions in the Province of Ontario, so far as the same
 relates to water works and water companies in towns.

Debt to be incurred in accordance with municipal laws.

40 **3.** It shall be lawful for the said corporation to enter into a contract with any person or persons, or body corporate, for the construction of such system of water works for the said town, as the council of the said corporation shall deem advisable, and on such terms as the said council shall think fit.

Corporation may enter into contracts for the construction of water works.

Corporation
may issue
debentures.

4. The said corporation may, for the purpose of defraying the cost of the construction of the said water works, issue debentures under the seal of the corporation, signed by the mayor, and countersigned by the treasurer of the corporation for the time being, in such sums as the council of the said corporation may direct, and bearing interests at a rate not exceeding eight per centum per annum; and the principal sum secured by the said debentures and the interest accruing thereon, may be made payable either in this Province, or Great Britain, or elsewhere, as the council may deem expedient. 5 10

Interest.

Time debentures shall run.

5. The debentures to be issued as aforesaid, shall be payable in such time, not exceeding thirty years nor less than five years, as the said council shall deem expedient, and the interest thereon shall be payable semi-annually.

Corporation
may raise
money on credit
of debentures.

6. The said corporation may raise by way of loan, on the credit of the said debentures, in this Province, or in Great Britain, or elsewhere, such sum of money as shall be required for the construction of the said water works, and the loan so to be raised, and all sums of money raised under the provisions of this Act, shall be applied by the said council to the payment of the cost of constructing the water works for the said town, and to and for no other purpose whatsoever. 15 20

Corporation to
levy special
rate to pay in-
terest and prin-
cipal,

7. For payment of the debentures to be issued under this Act, and the interest thereon, the said council shall levy an annual special rate to defray the yearly interest on the said debentures, and to form an equal yearly sinking fund for the payment of the principal, within the time at which the said debentures shall become payable. 25

Moneys raised
by special rate
to be invested.

8. The said council shall, and it shall be the duty of the treasurer of the said corporation to invest from time to time, all moneys raised by special rate for the sinking fund hereinbefore provided for, either in redemption of any of the debentures hereby authorized to be issued, or in any debentures issued by the Government of Canada, or of this Province, or in such other securities, as the Lieutenant-Governor of this Province, may by order in council direct, or in any chartered bank of the Dominion of Canada, that the said council may from time to time approve, and at such rate of interest thereon as may be agreed upon by the said council and such bank. 30 35

Misappropriation of moneys raised to be a misdemeanour

9. It shall be a misdemeanour in the mayor or any member of the said council to vote for the appropriation of, and in the treasurer of the said corporation, or any other officer thereof, to apply the said sinking fund or the interest thereon, to the payment of any other claim than that for which it shall be set apart. 40 45

Interest on investments to be also invested.

10. The interest arising or accruing from the said sinking fund shall in every year be immediately invested by the said council in the same manner as the said sinking fund, and shall be added to, and form part of the said sinking fund.

Holders of debentures not bound to see to application of moneys.

11. The holders of any of the debentures to be issued under this Act, shall not be in any way bound to see to the application of the money raised on the credit of the said debentures. 50



No. 104.

3rd Session, 2nd Parliament, 37 Vict., 1874.

BILL.

An Act to enable the Corporation of the Town of Port Hope, to incur liability for the construction of Water Works for the Town.

First Reading, 17th February, 1874.

(PRIVATE BILL.)

Mr. WILLIAMS (Durham.)

TORONTO:

PRINTED BY HUNTER, ROSE & CO.

An Act to amend the Act incorporating the London, Huron and Bruce Railway Company, and for other purposes.

WHEREAS, the London, Huron and Bruce Railway Com- Preamble.
pany have, in conformity with the provisions of "The
Railway Act," located the line of their railway and prepared
and deposited maps and plans, and books of reference, and made
5 substantial progress towards the execution of the work of their
railway; but the said company have represented that it may
be necessary at some points to deviate from the line so located
and laid down in said maps and plans, to a greater distance
than one mile, and have petitioned for power to make such
10 deviation, and for other purposes, and it is expedient to grant
the prayer of said petition:

Therefore Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:—

15 **1.** Notwithstanding the said company have located their
said line of railway, and deposited maps or plans thereof, and
of the lands intended to be passed over and taken therefor, and
also a book of reference, in accordance with the provisions of
"The Railway Act," the said company may and is hereby
20 authorized, if it deem it necessary or desirable, to deviate more
than one mile from the line of the railway, or any part thereof,
or the places assigned thereto in the said map or plan, or books
of reference, and upon such deviation shall have the same rights,
exercise the same powers, and be subject to the same conditions
35 as though the line adopted by such deviation had been the
one originally selected and laid down: Company may
deviate from
original line.

2. The thirteenth section of the Act of the Legislature of ^{34 V., c. 42,}
the Province of Ontario, passed in the thirty-fourth year of the ^{s. 13, amended.}
reign of Her Majesty, Queen Victoria, and chaptered forty-two,
40 is hereby amended by adding after the last word of the said
section the following words: "or in any other municipality, or
upon any particular portion of the line of railway or works of
the company, and in any case of such agreements the certificate
of the Chief Engineer of the said railway referred to in the
45 sixteenth section of this Act, shall be modified to meet the
circumstances."

3. That inasmuch as the said company have made substan- Time for com-
mencement of
railway
extended.
work of construction cannot at present be effectually proceeded
50 with: in order to avoid doubts it is hereby enacted that the

time for the commencement of such actual work of construction shall be and is hereby extended until the day of , one thousand eight hundred and seventy- , and the said Act above referred to shall be construed as though this were the time thereby limited for the commence- 5
ment of the railway.

No. 105.

3rd Session, 2nd Parliament, 37 Vict., 1874.

BILL.

An Act to amend the Act incorporating the London, Huron and Bruce Railway Company, and for other purposes.

First Reading, 17th February, 1874.

(PRIVATE BILL.)

MR. W. R. MEREDITH.

TORONTO:

PRINTED BY HUNTER, ROSE & CO.

An Act to authorize the Churchwardens of St. James Church, Toronto, to issue debentures.

WHEREAS, under and in pursuance of resolutions passed Preamble.
 at various meetings of the Vestry of St. James Church,
 in the City of Toronto, debentures have from time to time been
 issued by the churchwardens, for the time being, for the pur-
 5 pose of raising money to meet the engagements of the said ves-
 try in the erection, improvement, and completion of the said
 church; And whereas, Clark Gamble, and James Kirkpatrick
 Kerr, Esquires, the present churchwardens of the said church,
 have been by resolutions of the said vestry, authorized to issue
 10 forth debentures to provide for further expenditure in connec-
 tion with the completion of the said church, and improvements
 therein, and other instructions of the said vestry, and they have
 petitioned for an Act consolidating the debt already created,
 and that to be hereafter incurred in respect of the said church,
 15 and providing for the issue of debentures upon which money
 may be realized to pay off the debts already incurred as afore-
 said, and to defray the cost of completing the said church, and
 other moneys required to carry out the instructions of the said
 vestry; And whereas it is expedient to grant the prayer of the
 20 said petition;

Therefore, Her Majesty, by and with the advice and consent
 of the Legislative Assembly of the Province of Ontario, enacts
 as follows:—

1. The said debt of the said vestry shall be, and the same is Power to issue
debentures.
 25 hereby consolidated, at the sum of _____ dollars,
 and it shall and may be lawful for the said churchwardens
 of the church aforesaid, and their successors, as such to
 execute and issue debentures in currency or sterling, not
 exceeding at any one time, in the whole, the sum of fifty
 30 thousand dollars, in such sums, not less than one hundred
 dollars each, at such rate of interest and redeemable at such
 times and places as they may determine, and from time to time
 to renew the same or issue new debentures in their place or
 stead.

2. The said churchwardens shall and may from time to time, Church-
wardens may
pay up present
liabilities with
funds raised
by debentures.
 35 with the consent of the holders, call in any of the outstanding
 debentures and liabilities, and discharge the same with the
 funds raised by the issue of debentures authorized to be issued
 under this Act, or may substitute therefor the said debentures,
 40 or any of them, authorized as aforesaid, under this Act, as may
 be agreed upon between the said churchwardens and the hold-
 ers of such outstanding debentures and liabilities, or other the
 creditors of the said vestry and church.

Application of
money raised
by debentures.

3. The funds to be raised by the issue of debentures authorized as aforesaid, shall be applied to the redemption and payment of the said outstanding debentures and other liabilities, and to defray the cost of completing and improving the said church, and to carry out the instructions of the said vestry.

5

Debentures to
be a charge on
church and
vestry pro-
perty.

4. The debentures so issued as aforesaid, shall, without registration or formal conveyance, be taken and considered to be charges upon the said church, and other the property of the said vestry ; and such holder of any of the said debentures shall be deemed to be a mortgagee and incumbrancer *pro rata* with the other holders thereof upon the said church and property.

10

Interest to be
first charge on
revenue of
church.

5. The interest of the said debentures shall be the first charge upon the whole revenue of the said church, and the vestry thereof ordinary and extraordinary ; and it shall be the duty of the churchwardens in each year, out of the said revenues, to 15 pay the whole interest falling due in each year.

Persons
advancing
money need
not see to
application of
it.

6. No person advancing money on or for the purchase of the debentures authorized by this Act to be issued, shall be in any way bound to see to the application of the money so advanced.

Incorporation
of church-
warden.

7. The said churchwardens and their successors, as such, 20 shall be, and they are hereby constituted a body politic and corporate, by the name of "The Churchwardens of St. James Cathedral, Toronto," and shall have all the rights and powers vested in corporations generally, by "The Incorporation Act."

3rd Session, 2nd Parliament, 37 Vict. 1874.

BILL.

An Act to authorize the Churchwardens of St. James Church, Toronto, to issue debentures.

First Reading 17th February, 1874.

(PRIVATE BILL.)

Hon. Mr. CROOKS.

TORONTO :

PRINTED BY HUNTER, ROSE & Co.

An Act to amend the Act passed in the thirty-fifth year of Her Majesty's reign, chaptered seventy-nine, intituled "An Act to authorize the corporation of the City of Toronto to construct Water Works in the City of Toronto.

WHEREAS, the Corporation of the City of Toronto have petitioned for certain amendments to the Act passed in the thirty-fifth year of Her Majesty's reign, chaptered seventy-nine, intituled "An Act to authorize the Corporation of the City of Toronto to construct Water Works in the City of Toronto" and it is expedient to grant the prayer of the said petition. Preamble.

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. The annual return to be made to the council of the said corporation in accordance with the ninth section of the said Act shall be made on or before the thirty-first day of December in each year, in lieu of the date fixed in and by the said section, and the said section is hereby amended accordingly. 35 V. c. 79, sec. nine amended. Annual returns to City Council.

2. The thirteenth section of the said Act is hereby amended by inserting at the commencement thereof, the words "after the construction of the said works" and by substituting the word "quarterly" for "monthly" in the third line of the said section. Sec. thirteen amended.

3. That portion of section twenty-one from the word "provided" in the fourth line thereof to the end of the section, is hereby repealed. Sec. twenty-one amended.

4. The said corporation shall have power to issue debentures in accordance with the provisions of the said Act, to an extent not exceeding in the whole, eleven hundred thousand dollars, in lieu of the sum limited in and by the twenty-ninth section of the said Act, and all debentures issued hereunder shall be subject to all the provisions of the said Act, and the said section is hereby amended accordingly. Sec. twenty-nine amended. Debentures.

5. The periodical payments mentioned in the thirty-second section of the said Act may be made quarterly instead of monthly as therein provided, and the said section is hereby amended accordingly. Sec. thirty-two amended.

6. All persons and corporations whomsoever who shall by themselves, or their servants, or agents, by act, default, neglect, Liability for damage done to works.

or omission, occasion any loss, damage, or injury to the water works, or any plans, machinery, fitting part, or appurtenances thereof, shall be liable to the said corporation, or the said commission for or in respect of such damage, loss, or injury; and damages in respect thereof may be recovered either by the corporation or by the commission, by suit in any court of competent jurisdiction. 5

Rate of speed of steam boats within four hundred yards of pipes.

7. It shall not be lawful for any steam vessel passing in or through the Harbour of Toronto to proceed at any greater rate of speed than four miles an hour when within four hundred yards of any place where the pipe across the said harbour is in process of being laid, under a penalty of one hundred dollars for every offence; such penalty to be recoverable either by the said corporation or by the said commission by suit in any court of competent jurisdiction, and to be paid into and form part of the funds of the said corporation. 10 15

Anchors not to be dropped near pipes.

8. No anchor shall at any time be dropped within a distance of fifty yards on either side of the line of buoys marking the position of the pipe across the harbour.

Gauging metres.

9. The said commission may set up in any house, building, or place, and use a metre or metres for the purpose of gauging the quantity of water used in such house, building, or place. 20

Sec. forty, amended.

10. The fortieth section of the said Act is hereby amended by striking out the word "three" in said section, and inserting in lieu thereof the word "five." 25

3rd Session, 2nd Parliament, 37 Victoria, 1874.

BILL.

An Act to amend the Act passed in the 35th year of Her Majesty's reign, chapter 79, intitled "An Act to authorize the corporation of the City of Toronto to construct Water Works in the City of Toronto."

1st Reading, 17th February, 1874.

PRIVATE BILL.

Hon. Mr. CROOKS.

TORONTO:

PRINTED BY HUNTER, ROSE & CO.

An Act to Incorporate the Homœopathic College of Physicians and Surgeons of Ontario.

WHEREAS, it has been represented by numerous petitions Preamble.
that it is desirable to incorporate the Homœopathic College of Physicians and Surgeons of Ontario, and to grant to the Members thereof rights and privileges similar to those possessed by any other Practitioners of Medicine in Ontario, and to relieve the Members of the said Homœopathic College of Physicians and Surgeons of Ontario from the operation of any Act of the Legislature of Ontario that might now or hereafter be held to affect them :

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. The Practitioners in Medicine who by the provisions of an Act of the Parliament of the late Province of Canada, passed in the twenty-second year of the reign of Her Majesty, and chaptered forty-five, entitled "An Act respecting Homœopathy," Homœopathic College of Physicians and Surgeons of Ontario incorporated.
5 were appointed Members of the Homœopathic Medical Board established by the said Act, and the Licentiates of the said Homœopathic Medical Board, and such other persons as may be admitted as Members in manner hereinafter provided, are hereby constituted and declared to be Members of "The Homœopathic College of Physicians and Surgeons of Ontario," subject to certain provisions hereinafter named, which said Homœopathic College of Physicians and Surgeons of Ontario is hereby constituted and declared to be by that name a body corporate having perpetual succession, and a common seal, with
5 power to change or renew the same at pleasure ; with a capacity to establish a sinking fund ; to acquire, hold, lease, sell, mortgage or otherwise dispose of chattel property and real estate for the purposes of this Act ; and with power to sue and to be sued in the manner usual with such corporations.
- 20 **2.** There shall be a Council of the said Homœopathic College of Physicians and Surgeons of Ontario, which said Council and College are hereinafter referred to as "the Council" and "the College" respectively. Council established.
- 3.** The Council shall be composed of seven Members of the College, including the President, and shall have power to make by-laws, orders and regulations for the administration of its own affairs, and of all matters pertaining to the College, and from time to time to annul, alter, or repeal such by-laws, orders and regulations as may be deemed expedient. Powers of Council.
- 80 **2.** The following Members of the College shall be Members of the Council until their successors are elected as hereinafter provided, to wit : Duncan Campbell, of the City of Toronto, M.D. ; Members of Council appointed.

Joseph J. Lancaster, of the City of London, M.D.; John Hall, of the City of Toronto, M.D.; William Springer, of the Town of Ingersoll, M.D.; Joseph Adams, of the City of Toronto, M.D.; Gilbert C. Field, of the Town of Woodstock, M.D.; and Elias Vernon, of the City of Hamilton, M.D.

5

How meetings
of Council are
to be held, &c

4. The Council shall hold not less than two meetings in each year, after the year one thousand eight hundred and seventy-four, at not less than four months interval, in the City of Toronto; said meetings shall be known as "ordinary meetings." The first of the said ordinary meetings of the Council shall be held at such time and place as the President, or, in case of his absence or death, the Secretary for the time being, shall appoint therefor; and the Council shall make such rules and regulations as to the times and places of their subsequent ordinary meetings, and the mode of summoning the same, as to them shall seem expedient; which rules and regulations shall remain in force until altered at any subsequent meeting; and in the absence of any rule or regulation as to the summoning of future ordinary meetings of the Council, it shall be lawful for the President, or in the event of his absence or death, for the Secretary, to summon the same, at such time and place as to him shall seem fit, by circular letter to be mailed to each Member: Provided always, that at least two weeks' notice of all such meetings be given.

Future ordinary meetings.

Quorum.

President, in cases of equality of votes, to have casting vote.

None but Members of Council to be present at meetings, except by permission of President.

President may call extraordinary meetings of Council.

Notice of extraordinary meetings to be given.

Quorum.

Who may be Members of Council.

Members may resign.

2. All the acts of the Council at any meeting shall be decided by the majority of the Members present, the whole number so present at any ordinary meeting, not being less than four; and in the event of there being an equality of votes upon any matter, it shall be decided by the casting vote of the President, or of the Member acting in his place for the time being.

3. No person not a Member of the Council shall be allowed to be present at any meeting of the Council, unless by the permission of the Council as expressed by the invitation of the President, or of the Member of Council acting for the President at such meeting.

4. It shall be lawful for the President at any time, upon the requisition in writing of any three Members of the Council, or with the assent of any two Members of the Council, to call an extraordinary meeting of the Council for the transaction of any business that may come before it, or that may require immediate interference or attention between the adjournment of the Council and its next ordinary meeting; all the acts of the Council at such extraordinary meeting shall have the same force and effect as if passed at the ordinary meetings: Provided always that no extraordinary meeting of the Council shall be held without at least one week's notice of such meeting being sent in writing by the Secretary to each Member thereof; it shall nevertheless be lawful for the Council to waive such notice of meeting, provided that every Member thereof shall agree thereto; at such extraordinary meeting two Members together with the President shall be held to be a legal quorum for the transaction of business.

5. The Members of the Council shall be elected, in manner hereinafter provided, from among the Members of the College resident in the Dominion of Canada, and shall hold office for three years: Provided always that any Member of the Council may resign his seat in the Council by a letter addressed to the President to that effect.

2. In the event of a vacancy taking place in the Council from the resignation, death, or permanent absence from the Dominion of Canada of any Member, before the first general election of Members of Council hereinafter provided for, it shall be the duty of the remaining Members of the Council at their next meeting, either ordinary or extraordinary, to elect some other Member of the College to fill such vacancy, and the Member so elected shall hold office until the general election of Members of the Council.
3. After the first general election of Members of the Council, it shall be the duty of the Council to elect, to fill any vacancy that may occur, the Member of the College who, at the election last preceding had the highest number of votes next to those who were elected.
6. The Council shall, by open vote of the Members present, at the second ordinary meeting in each year, or at the first meeting of a newly elected Council, elect a President, a Secretary and a Treasurer of the College, who shall hold office during the pleasure of the Council, and such other officers as may from time to time be necessary for the working of this Act; and the Council shall have power to fix by by-law, from time to time, the salary or fees to be paid to such President, Secretary, Treasurer and other officers, and to the Board of Examiners and Matriculation Examiners, appointed as hereinafter provided.
2. There shall be paid to the Members of the Council, out of the general funds of the College, such fees for attendance at meetings of Council and other duties, and such reasonable travelling expenses as shall from time to time be fixed by by-law passed by the said Council.
7. It shall be the duty of the President, who shall be elected from the Members of the Council, to preside at all meetings of the Council, and to attach his signature to such deeds, instruments, diplomas, or other documents, as he may be authorized by the Council to sign; and such signature, with the seal of the College appended thereto, shall be held to convey the full power, authority and assent of the College to such deed, instrument, diploma, or other document.
2. Until a successor is elected, Duncan Campbell, of the City of Toronto, M.D., shall be President of the College.
8. It shall be the duty of the Secretary, who shall be elected from the Members of the College, to attend all meetings of the Council, and to keep accurate minutes of the proceedings thereat; to keep a register or record of the Members of the College, with their places of residence; to take note of any change of residence of Members as may from time to time be reported to him; to keep a record of all applicants for membership; to ascertain as far as possible the validity of all documents presented by such applicants; to have the custody of the corporate seal of the College, and when necessary, to attach the same to such documents as have been first signed by the President; and generally to carry out the instructions of the Council, and to transact all business in such matters as usually pertain to the office of Secretary in similar corporate bodies.
2. If the Secretary make or cause to be made any wilful falsification in any matter relating to the records of the Council or of the College, he shall incur a penalty of fifty dollars, and shall be disqualified from again holding any office under the Council.

How vacancies
in the Council
to be filled.

Council may
appoint Presi-
dent, Secre-
tary, Treasurer
and other offi-
cers.

Salaries and
fees paid to
officers.

Fees, &c., to
be paid to
Members of
Council.

Duties of the
President.

President
appointed.

Duties of the
Secretary.

Penalty for
any falsifica-
tion of records
by Secretary

Duties of
Treasurer.

9. It shall be the duty of the Treasurer, who may be elected either from the Members or from non-members of the College, faithfully to carry out the injunctions and orders of the Council in all matters pertaining to his office; to keep accurate accounts of all moneys paid to or by him on account of the College or of the Council; to receive such moneys as he may by the Council be authorized to receive; to pay out moneys upon the authority of the Council; to deposit all moneys belonging to the College or to the Council in such place or places as the Council shall direct; he shall furnish such security for the faithful discharge of his duties as the Council may from time to time require and deem sufficient; and immediately at the expiration of the period for which he is appointed, and at any time upon a month's notice from the Council, be ready to hand over faithfully to his successor in office, all moneys and other property belonging to the College or to the Council; and to furnish annually, or whenever so required by the Council, a balance-sheet, shewing the state of the finances of the College.

Treasurer to
give security,
&c.

Secretary or
Treasurer may
vote as Member
of Council.
Offices of
Secretary and
Treasurer may
be united.

Secretary and
Treasurer ap-
pointed.

10. When the office of Secretary or of Treasurer is held by a Member of the Council he shall, notwithstanding his holding such office, be entitled to vote and to take part in all proceedings of said Council; and it shall be lawful for the Council, when it may be deemed expedient, to confer the offices of Secretary and of Treasurer upon the same Member of the College.

2. Until his successor or successors is or are appointed, Joseph J. Lancaster, of the City of London, M.D., shall be both Secretary and Treasurer of the College, subject, as to the office of Treasurer, to the conditions hereinbefore prescribed.

First election
of Council
when to be
held, &c.

Proviso as to
elections.

Retiring Mem-
bers of Council
to be eligible
for re-election.

Retiring Coun-
cil to appoint
time and place
of meeting of
new Council.

When votes
equal, who to
be Member.

11. The first election for Members of Council shall take place at a meeting to be held in the City of Toronto, in the month of June, one thousand eight hundred and seventy-five, on such day of said month, and at such place, as the Council shall decide. The Council shall prescribe the manner in which the said election shall be held; Provided always, that every Member of the College who has complied with section twenty-one of this Act shall be entitled to vote for seven Members of the Council; that the election shall be by voting-papers; and that the seven Members of the College, resident in the Dominion of Canada, having the largest number of votes, shall be Members of the Council for the next three years; the retiring Members shall be eligible for re-election, and shall hold office until the termination of the meeting at which their successors have been elected; and the retiring Council shall appoint the time and place for the first ordinary meeting of the newly elected Council.

2. In the event of there being, among those having the highest number of votes at the election aforesaid, such an equality of votes in favour of two or more Members having the lowest number of votes, as would make the total number of Members of the Council greater than seven if all were elected, the decision shall be in favour of the Members in the order of their seniority as Members of the College, which seniority shall be reckoned from their appointment as Members of the late Homœopathic Medical Board hereinbefore referred to, or from the date of their licenses from the said Board, or from their admission as Members of the College, and in the event of two Members having such an equality of votes, holding licenses bearing the same date, or having been admitted as Members of the College on

the same day, it shall be decided by the retiring Council which of the Members of the College having such equality of votes and of seniority is to be accepted as Member of the Council.

3. Every subsequent election of Members of the Council shall be held in the City of Toronto, in the month of June, in every third year after the first election, on such day of said month as shall be determined by the Council, and in the same manner as is provided for holding the first election aforesaid.

Elections how to be held.

12. The Council shall at its first ordinary meeting, and annually thereafter at one of such ordinary meetings, elect a Board of Examiners, consisting of such a number of Members of the College as may be deemed expedient, and any Member of the Council shall be eligible as a Member of said Board of Examiners.

Council to appoint Board of Examiners.

2. It shall be the duty of the Board of Examiners to examine all candidates desirous of becoming Members of the College, and of being authorized to practise Physic, Surgery and Midwifery in Ontario as they are taught and understood by Homœopathsists; such examinations shall be held in the City of Toronto at such times and places, and in such manner as may be determined by the Council.

Duties of board of Examiners.

3. The Council shall have power and authority to appoint an Examiner or Examiners for the admission of all students to a matriculation or preliminary examination, and to make by-laws and regulations for determining the admission and enrolment of students; and the following shall be the subjects for such matriculation or preliminary examination: Compulsory,—English language, including grammar and composition; Arithmetic, including vulgar and decimal fractions; Algebra, including simple equations; Geometry, first two books of Euclid; Latin, translation and grammar; and one of the following optional subjects: Greek; French; German; and Natural Philosophy, including Mechanics, Hydrostatics, and Pneumatics.

Council may appoint matriculation Examiners.

Subjects of matriculation examinations.

4. The matriculation Examiner or Examiners may be appointed from among the Members of the Council, or of the College, or may be unconnected with either; but the matriculation examinations shall be held under the direction and supervision of such Member or Members of the Council, as the Council may from time to time direct.

Who may be appointed matriculation Examiners.

5. No candidate shall be admitted to the final examination for membership of the College until he has passed the matriculation examination hereinbefore prescribed, unless the said candidate is a Graduate in Arts, or has matriculated in Arts, in any University in Her Majesty's Dominions, or has passed in the Dominion of Canada, or in any other part of Her Majesty's Dominions, a matriculation examination which the Council shall deem to be equivalent to the matriculation examination hereinbefore prescribed.

No candidate to be finally examined until he has passed matriculation examination, except under certain conditions.

13. The Council shall have power and authority to fix and determine from time to time a curriculum of studies to be pursued by students; Provided always, that such curriculum of studies shall first receive the approval of the Lieutenant-Governor in Council, and be published once in the *Ontario Gazette*; and that no change in the curriculum at any time existing shall come into effect until four months after the publication thereof in the said *Ontario Gazette*; and until such change is so made by and with the approval of the Lieutenant-Governor in Council, the curriculum shall be as follows:

Council may fix curriculum of studies.

Every student before presenting himself for the final examination for membership of the College, shall show and prove

that he has passed four years in the study of Medicine under the guidance and supervision of one or more legally qualified Practitioners in Medicine; that he has attended the practice of one or more General Hospitals for a period of not less than twelve months; that he has personally attended not less than six cases of Midwifery; that he has attended in some accredited and recognized College or School of Medicine in Her Majesty's Dominions, or in the United States, or on the Continent of Europe, not less than four full Winter courses of Lectures, or three Winter sessions and two Summer sessions, and that during such sessions he has attended two Winter courses of lectures upon each of the following subjects: Anatomy; Practical Anatomy; Physiology; Chemistry; Materia Medica; Surgery; Practice of Medicine and Midwifery; two Summer sessions each, upon Clinical Medicine and Clinical Surgery; and one Summer course each upon Medical Jurisprudence, and upon Botany.

Rules and regulations for candidates, &c.

14. Every candidate for the membership of the College shall, not less than three weeks before the date fixed by the Council for the final examination, give notice in writing to the Secretary of his desire to present himself for such examination; and shall, at the same time, transmit to the Secretary all vouchers, certificates and other evidences of his having complied with the requirements of the Council; of having fulfilled the curriculum of study hereinbefore prescribed; of his moral character; and of his having completed the full age of twenty-one years; he shall likewise, at the same time, pay all such fees as the Council may, from time to time, determine as examination fees; and no candidate shall in any case be admitted to any examination until it is certified by the Secretary that he has complied with all the requirements above mentioned, and that he has paid the examination fees as prescribed.

Board of Examiners to report to Council.

15. If the Board of Examiners be satisfied by the final examination of any candidate, that he is fully qualified to practise Physic, Surgery, and Midwifery as they are taught and understood by Homœopathists, they shall, through their Chairman, signify the same, in writing, to the Council; and it shall be lawful for the President, with the consent of the Council, thereupon to grant the Diploma of the College to such candidate, who shall thereby become, and thenceforward be, and be held to be, a Member of the College, and be entitled to all the rights and privileges to such membership belonging; the Diploma of the College shall be authenticated by the signature of the President, and the seal of the College being appended thereto.

Council may grant Diplomas to successful candidates who shall be entitled to be called "Doctors of Medicine."

Council may grant Diplomas to such as are already qualified, &c.

16. It shall be lawful for the Council to grant a Diploma of membership, with all rights and privileges to such membership belonging, to any person otherwise duly qualified to practise Physic, Surgery, and Midwifery in the Dominion of Canada, or in the United Kingdom of Great Britain and Ireland, upon such terms, and upon the payment of such fees, as may from time to time be determined by the Council.

Member of College to be recognized as a "legally qualified practitioner," &c.

17. The words "legally qualified medical practitioner," or "duly qualified medical practitioner," or any other words importing legal recognition of any person as a Medical Practitioner, or Member of the medical profession, when used in any Act or law, shall, in so far as such Act or law applies to this Province, be held to include and to be applicable to all Members of the

Homœopathic College of Physicians and Surgeons of Ontario :
and every Member of said College shall be, and be held to be,
qualified to be appointed to any office as a medical officer,
in any branch of the public service of the Province of Ontario ;
5 and to sign any document or certificate usually signed by
physicians or surgeons that may be required by any Act or
law, so far as such Act or law applies to this Province ;
any Act to the contrary notwithstanding.

2. Every Member of the College, if summoned to give pro-
10 fessional evidence at any inquest, criminal trial, or investiga-
tion of a criminal nature, shall, upon the Coroner, Judge, Police
Magistrate, Justice of the Peace, or other judicial officer pre-
siding at such inquest, trial, or investigation, certifying that the
evidence of such Member was important, or likely to have been
15 important, at such inquest, trial, or investigation, be entitled
to demand and to receive from the Treasurer of the County
or City where such inquest, trial, or investigation was held, out
of the funds in his hands in the County or City Treasury, the
sum of five dollars for giving such professional evidence, together
20 with five dollars for each day's, or part of a day's necessary
attendance or detention during the time such inquest, trial or
investigation was held ; including among such days, the time
necessary for travelling from and to his usual place of resi-
dence, to and from the place where such inquest, trial or investi-
15 gation was held ; and twenty-five cents for each mile of distance
so travelled.

Members to be
paid for giving
evidence at
inquests,
trials, &c.

Travelling ex-
penses to be
paid.

3. Members of the College shall be entitled to claim and to
receive the same fees for *post-mortem* examinations, and for
analysis of the contents of the stomach or intestines, as were
30 heretofore prescribed by section ten of chapter one hundred
and twenty-five of the Consolidated Statutes of Upper Canada,
entitled "An Act respecting Inquests by Coroners."

Members to be
paid for *post-
mortem* exam-
inations, etc.

18. No Member of the Homœopathic College of Physicians
and Surgeons of Ontario shall be held to be liable to any fine,
35 forfeiture or disability in consequence of his non-compliance
with any by-law, regulation, order or requirement of any medi-
cal corporation now existing, or that may hereafter be estab-
lished in the Province of Ontario, other than those of the said
Homœopathic College of Physicians and Surgeons of Ontario ;
40 nor shall any such Member be deprived of any rights or privi-
leges he may have heretofore possessed, save and except the
right of voting for the election of Members of the Council of any
other medical corporation in Ontario, or of being elected as a
Member of the Council of such corporation.

Members of
College not to
be liable to
by-laws, &c. of
any other
medical corpo-
ration.

Members of
College not to
vote in other
medical cor-
porations.

19. Every Member of the College shall be entitled to de-
mand and to recover from any person by suit or action in any
Court of law of competent jurisdiction, with full costs of suit,
reasonable charges for professional aid, advice, attendance, and
for surgical or other operations, and for the cost or value of
50 any medicines or medical or surgical appliances rendered, given,
made, performed, or supplied by him to such person or to any
other person by his order or authority ; and it shall not be
necessary for the said Member at any trial of any such suit
or action to produce evidence of his membership, unless six
55 days' notice be duly served upon said Member to produce
such evidence ; and the certificate of the President, or of the
Secretary of the College shall be deemed to be sufficient evi-
dence of membership at any such trial.

Members of
College may
recover fees,
&c.

2. Any tariff of fees established or that may hereafter be es- Council may

adopt a tariff
of fees.

tablished, by any medical corporation for any locality in the Province of Ontario, shall, if approved and adopted by the Council, be held to be a scale of "reasonable charges" within the meaning of this Act, for such locality. But in all cases the tariff established as aforesaid, and adopted by the Council for the locality where any Member resides, shall be deemed to be the tariff by which his charges are to be regulated. 5

Any Member
convicted of
felony to have
his name
erased, &c.

20. Any Member of the College who shall have been convicted of felony shall thereby forfeit his right to membership in the College, and by the direction of the Council his name shall be erased from the list of Members; and in case a person known to have been convicted of felony shall present himself as a candidate for membership, the Secretary shall, with the consent of the Council, have power to refuse such application. 10

Annual
contribution
to be paid
by Members
after 1874.

21. Each Member of the College shall pay to the Treasurer, or to any person deputed by the Treasurer to receive it, a contribution of not less than two dollars nor more than five dollars as may be determined by the Council, in each year after the year one thousand eight hundred and seventy-four, towards the general expenses of the College and of the Council, which contribution shall be payable on the first day of January in each year, and it shall be in the power of the Council to make such arrangements as will facilitate the collection of such contribution, either by imposing a fine in default of payment, or in such other manner as may seem expedient. 15 20 25

No Member to
vote until con-
tribution paid.

2. No Member of the College shall be entitled to vote at any election of Members of the Council, or to hold any office in the Council or in the College, until he has paid all arrears of contribution, and of fines for non-payment of such contribution.

Contribution
for 1874, when
payable.

3. The contribution for the year one thousand eight hundred and seventy-four is fixed at ten dollars, and shall be payable to the Treasurer as aforesaid, on or before the first day of March in said year; on pain of such fine as the Council may determine, if not paid before the first day of June in said year: the said contribution shall be called, and be deemed to be, the "entrance fee," and shall be payable by every person before he enters into the possession of the rights and privileges of a Member of the College: Provided always that all moneys already contributed to the funds of the College by any person shall be placed to his credit with reference to the said "entrance fee," and that he shall not be required to pay more than the difference between the sum so contributed and the said fee. 30 35 40

Credit to be
given for
contributions
already made.

Members not
paying en-
trance fee in
1874, to pay it
with fine, &c.,
at any future
time.

4. Any person who, at the time of the passing of this Act, would, by the provisions thereof, be entitled, upon the payment of the aforesaid entrance fee of ten dollars, to be enrolled as a Member of the College, and who shall fail to pay the said entrance fee during the year one thousand eight hundred and seventy-four, shall, before he be so enrolled, pay to the Treasurer of the College, or to any one deputed by him to receive it, the said entrance fee of ten dollars, together with any fine imposed by the Council for non payment, in addition to the contribution established by the Council for the year then current. 45 50

No one
entitled to
privileges,
&c., until
entrance fee
is paid.

5. Any person so entitled to be enrolled as a Member of the College, upon the payment of the entrance fee aforesaid, who shall neglect or fail to pay the said entrance fee, shall not be entitled to any of the rights or privileges conferred by the provisions of this Act, so long as such neglect or omission continues. 55

6. Every Member of the College shall give immediate notice to the Secretary of any change in his place of residence ; and a letter mailed by the Secretary to his last place of residence as known to the Secretary, shall be deemed to be sufficient legal notice to any Member for the purposes of this Act.

Members to
notify Secre-
tary of change
of residence.

22. If any person shall wilfully procure, or attempt to procure, himself to be accepted as a Member of the College, or as a Candidate for any examination, by making or producing, or causing to be made or produced, any false or fraudulent representation or declaration, either verbally or in writing, every such person so offending, shall on conviction thereof, incur a penalty not exceeding one hundred dollars ; and every person knowingly aiding or assisting him therein, shall on conviction thereof, incur a penalty of not less than twenty, nor more than fifty dollars.

Penalty for
fraudulent
representa-
tions by per-
sons applying
for member-
ship, &c.

23. Any prosecution, and any proceeding to recover any penalty under this Act may be brought or heard before any Justice of the Peace having jurisdiction where the offence which is the subject of such prosecution or proceeding, is alleged to have been committed ; and such Justice shall have power to award payment of costs in addition to the penalty ; and, in case the penalty and costs awarded be not upon conviction forthwith paid, to commit the offender to the common gaol, there to be imprisoned for any term not exceeding three months, unless the penalty and costs be sooner paid.

How penalty
may be recov-
ered.

2. Any person convicted under this Act who shall give notice of appeal against the decision of the convicting Justice, shall be required, before being released from custody, to give to said Justice satisfactory security for the amount of the penalty, costs of conviction, and appeal.

Provision in
cases of ap-
peal.

3. All penalties imposed by this Act shall be recoverable, with full costs of suit, by the Council, in the name of the Homœopathic College of Physicians and Surgeons of Ontario, and shall form part of the funds thereof ; and it shall be lawful for the Council to stay proceedings at any stage of the prosecution of any one charged with offending against the provisions of this Act.

Penalties
recoverable
by Council.

Council may
stay proceed-
ings.

24. No action for malpractice shall lie, or be maintained, against any Member of the College, unless such action be commenced within one year from the date of the alleged malpractice.

Actions for
malpractice
must be com-
menced within
a year.

25. All moneys forming part of the funds of the College, or of the Council shall be paid to the Treasurer, and shall be applied under the direction of the Council to the carrying out of this Act.

All moneys to
be paid to
Treasurer. &c.

26. All Acts and parts of Acts inconsistent with the provisions of this Act are hereby repealed.

Inconsistent
Acts repealed

27. This Act may be cited as : " The Ontario Homœopathic Act."

Title.

BILL.

An Act to Incorporate the Homeopathic
College of Physicians and Surgeons of
Ontario.

First Reading, 17th February, 1874.

(*PRIVATE BILL.*)

HON. MR. CROOKS.

TORONTO:

Printed by HUNTER, ROSE & Co.

An Act relating to the incorporation of the Village of Clifford.

WHEREAS, certain inhabitants and ratepayers of the Preamble.

Village of Clifford, in the County of Wellington, by their petition represent that the by-law hereinafter mentioned was duly passed by the Council of the Corporation of the County of Wellington on the fifth day of December, in the year of our Lord, one thousand eight hundred and seventy-three, and that thereafter an election of a Reeve and Councillors was held, and a council for the said village organized; And whereas, doubts exist as to the time when the incorporation of the said village should take effect, and it is desirable to remove such doubts;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. By-law number one hundred and thirteen, passed by the Corporation of the County of Wellington, a copy of which is set out in the schedule to this Act annexed, marked "A," is declared to have taken effect, upon from and after the ninth day of December, one thousand eight hundred and seventy-three, and the Village of Clifford is declared to have been an incorporated village from and after that date, and by the name of the Village of Clifford.

By-law number one hundred and eight, of Wellington, to be valid, from ninth December, one thousand eight hundred and seventy-three.

2. The election of Absalom Shade Allan, as Reeve, and of Byron Crandell, Donald McEachern, John Hillhouse, and Kenneth McLeod Walton, as Councillors for the said Village of Clifford, held on the fifth day of January, one thousand eight hundred and seventy-four, in the said village, is legalized.

Election of Reeves and Councillors legalized.

"A."

THE CORPORATION OF THE COUNTY OF WELLINGTON.

(By-law No. 113.)

A By-law to erect the unincorporated Village of Clifford and neighbourhood into an incorporated village, apart from the Township of Minto, in the County of Wellington, in which the same are situated, and for other purposes.

Whereas, by a census return taken under the direction of the Council of the County of Wellington, it has been

shown that the unincorporated Village of Clifford, in the County of Wellington, and its immediate neighbourhood, as hereinafter described, and also in the said county, contains eight hundred and twenty-five inhabitants, and that the residences of such inhabitants are sufficiently near to form an incorporated village ; And whereas, a petition has been presented to the council of the said county, signed by over one hundred of the freeholders and householders of the said village and neighbourhood, of whom not less than fifty are freeholders, praying that a by-law may be passed by the council of the said county erecting the said village and neighbourhood into an incorporated village, apart from the Township of Minto, in the said county in which the same are situated, and with the name of the Village of Clifford, and with the boundaries hereinafter mentioned ; And whereas it is expedient to pass a by-law for the purposes aforesaid ; And whereas, the limits of the said Village of Clifford and neighbourhood, as described by the boundaries hereinafter mentioned, do not exceed an area of five hundred acres of land ;

Therefore the Corporation of the County of Wellington, by the Council thereof, and under the authority in it in that behalf invested, enacts as follows:—

1. The unincorporated Village of Clifford and its neighbourhood, and being the parts of the Township of Minto, in the said County of Wellington, described as follows, that is to say : Lots number fifty-eight, fifty-nine, sixty, and the northeasterly eighty acres of lot number sixty-one in concession D, and the south westerly fifty acres of each of lots numbers fifty-eight, fifty-nine, sixty, and sixty-one in concession C, all lying within the original survey of the Township of Minto, portions of which have been sub-divided into village and park lots, and which contain by admeasurement four hundred and ninety-three acres, be the same more or less, shall be, and the same are hereby erected into an incorporated village, apart from the said Township of Minto, by the name of the Village of Clifford.

2. It is hereby declared that the outside boundaries of the said original township lots and half lots as aforesaid, shall be the boundaries of the said incorporated Village of Clifford.

3. The first election for a Reeve and Councillors for the said incorporated village shall be held at Dopfers Hall, in the said Village of Clifford.

4. And David Mollison, of the said village, is hereby named and appointed as Returning Officer, to hold the said election in said incorporated village.

This by-law shall take effect upon, from and after the ninth day of December, A.D. one thousand eight hundred and seventy-three.

(Sigd.) John Beatie, Clerk.

(Sigd.) John Mair, Warden.



No. 110.

3rd Session, 2nd Parliament, 37 Vic., 1874.

BILL.

An Act relating to the incorporation of the
Village of Clifford.

1st Reading, 17th February, 1874.

(*PRIVATE BILL.*)

Mr. CLARKE, (Wellington.)

TORONTO :

PRINTED BY HUNTER, ROSE & Co.

An Act further to amend the Act incorporating the
Hamilton and North Western Railway Company.

WHEREAS, The Hamilton and North Western Railway Preamble.

Company have petitioned for certain amendments to their charter, more especially as regards their borrowing powers, and it is expedient to grant the same;

5 Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The twenty-sixth and twenty-seventh sections of the Act, passed in the thirty-fifth year of Her Majesty's reign, intitled "An Act to incorporate the Hamilton and North Western Railway Company," are hereby repealed. 35 Vic., c. 55, ss. 26 and 27, repealed.

2. All bonds, debentures, and other securities, and coupons, and interest warrants thereon, respectively, may be made payable to bearer on order, and transferable by endorsement or delivery, and any holder of such securities may sue thereon in his or her own name. Bonds, &c., may be made payable to bearer.

3. The periods referred to in the sixteenth and twenty-second clauses of the said Act, shall be one month and six weeks respectively, after the day named in the by-laws for the same to take effect and come into operation, instead of from the time of the passing of the by-laws, as therein provided, and the said clauses shall be read as varied by this Act. Time for passing of by-laws and delivery of debentures to trustees extended.

4. Notwithstanding anything in the first section of the Act, passed in the thirty-sixth year of Her Majesty's reign, chaptered eighty-four, it shall be lawful for the Company to extend their line into and upon the waters of the Georgian Bay at the Town of Collingwood, and there to erect and maintain all necessary and convenient buildings, stations, wharves, and other conveniences for the use and accommodation of the passengers, freight, and business of the railway. Extension of line to Collingwood.

5. It shall be lawful for the directors to accept payment in full for stock from any of the subscribers thereof at the time of subscription, or at any time before the making of a final call thereon, and to allow such per centage or discount thereon, as they may deem expedient and reasonable, and thereupon to issue to each of such subscribers, scrip to the full amount of such stock subscribed. Power to accept payment in full of stock at any time.

6. It shall be lawful for the directors to enter into a contract or contracts with any individual or association of individuals for the construction or equipment of the line or any Power to construct or equip line by contract.

portion thereof, including or excluding the purchase of the right of way, and to pay therefor either in cash or bonds or in paid up stock, notwithstanding that one or more of such contractors may be shareholders or directors in the Company: Provided that no such contract shall be of any force or validity, till approved of by the shareholders at a meeting specially convened for considering the same. 5

35 Vic., c. 55, s. 9, amended. 7. Section number nine of the first recited Act, is amended by striking out the words "as provided in section seven," and substituting in lieu thereof, "in the *Official Gazette* of Ontario." 10

S. 23 amended. 8. Section twenty-three is amended by the substitution of schedule B for schedule A. and the said section shall be read as varied by this Act.

Councils of aiding municipalities may consent to vary agreements as to route, &c. 9. The council of any municipality or of any minor municipality, comprised in a section of a county municipality, which has aided or may aid the said railway, by granting a bonus thereto, may on the application of the company from time to time, consent to the conditions of the agreements made with such municipality, as to the route of the railway mentioned therein, being varied to such extent and in such manner as an actual survey of the line may render necessary or expedient, and such alterations shall be as valid as if the same had been contained in the original agreement of the company: Provided always that nothing herein contained shall be construed as authorizing the council to sanction any deviation from the line originally agreed on, beyond what may be found necessary or expedient from natural or engineering difficulties, and provided also that it shall be lawful for the company in any such case to enter into an agreement with such municipality for the gravelling or macadamizing any road leading to the said railway. 15 20 25 30

112-190

BILL.

An Act further to amend the Act incorporating the Hamilton and North Western Railway Company.

First Reading, 17th February, 1874.

(PRIVATE BILL.)

Mr. WILLIAMS, (Hamilton.)

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act to rearrange the debt of the Hamilton and Lake Erie Railway Company, more clearly to define its leasing powers, and for other purposes.

WHEREAS, by an Act passed in the thirty-sixth year of ^{Preamble.} Her Majesty's reign intituled "An Act further to amend the Act incorporating the Hamilton and Lake Erie Railway Company, and to confirm certain agreements for granting running powers to other companies over their line of railway, and other purposes," it is amongst other things provided that it shall be lawful for the directors to issue terminable bonds, or perpetual debenture stock, bearing seven per cent interest to be applied first to replace certain deferred bonds granted in payment of the bonded debt and judgment debt of the Hamilton and Port Dover Railway, and then to the construction and equipment of the said Hamilton and Lake Erie Railway: And whereas, the Great Western and Grand Trunk Railway Companies have omitted to procure the confirmation of the agreement in the said in part recited Act referred to, within the time provided for therein, and the said agreement so far as these companies are concerned is no longer in force, and it has become necessary in consequence to raise further moneys for the equipment and completion of the said Railway, and the necessary elevators and other matters required for the proper working thereof, and it has been deemed expedient to have the power to issue bonds bearing a lower rate of interest, and the shareholders of the company have by resolution affirmed the necessity for such increase, and prayed for an Act authorizing the same, either by bonds or debenture stock bearing a rate of interest not greater than seven per centum, and it is expedient to grant such prayer:

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The directors may, and they are hereby authorized, and empowered to issue such terminable bonds or perpetual debenture stock bearing interest at a rate not exceeding seven per centum per annum, to an amount not exceeding in the whole, the sum of one hundred and seventy thousand pounds sterling, such bonds to be issued either in sterling or currency, and payable to bearer or order as the directors may decide. ^{Power to issue bonds to the amount of £170,000 stg.}

2. The company shall not be bound to continue their road to the waters of Lake Erie, within the time by the said Act limited, but may on a vote of the majority of the shareholders at a meeting specially convened for the purpose of considering such extension at any time within three years from the passing ^{Completion of the line to Lake Erie.}

of this Act, extend the same to any point or points on that Lake, not further west than Port Burwell; but the additional bonds to be issued for such extension, shall not exceed the sum of twelve thousand five hundred dollars per mile.

Leasing the railway.

3. And whereas doubts have arisen whether under the twenty-sixth clause of the Act incorporating the company, they are not confined to making a lease, or running arrangement with one company only, and it is desirable to remove such doubts: It is hereby enacted and declared that it was, and is the intention of the said Act, that the directors may enter into any such arrangement as is therein referred to for working the said railway, or granting running powers thereon, or for leasing the same, or some portion thereof to more than one railway company, and that it shall be lawful for the said company to enter into any agreement with any other railway company or companies to lease or hire from such company or companies, any portion of their railway, or generally to make any agreement with any such other company touching the use by one or the other, or both companies, of the railway, of either or both or of any part thereof, or touching any service to be rendered by one company to the other, and the compensation therefor, and that when, and so often as any such agreements may be made with any such other companies, the directors of the several companies which may from time to time enter into the same, may fix and determine the rents and other terms and conditions on which the lease or other privileges shall be granted and accepted: Provided that such agreement shall be submitted to, and approved of by the shareholders at their annual general meeting, or at a meeting to be specially called for that purpose.

Sale of lands by the company to other companies.

4. The company shall have full power to accept in payment of lands which they may sell or dispose of, to any company established or to be established for the purpose of erecting warehouses or elevators thereon, paid up stock in such company, and may subscribe for shares in any such company, or in any company which may be established for building, purchasing, chartering, or owning steam or other vessels to ply in connection with the said railway.

BILL.

An Act to rearrange the debt of the Hamilton and Lake Erie Railway Company more clearly to define its leasing powers, and the other purposes.

First Reading, 17th February, 1874.

(PRIVATE BILL.)

Mr. WILLIAMS, (HAMILTON.)

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act to incorporate the London and Erie Railway Company.

WHEREAS, a petition has been presented praying that a Preamble.
company may be incorporated to construct a railway
from a point in or near the City of London, intersecting the
Canada Southern Railway, at or near the junction with the
5 Mooretown branch thereof, with power to extend the same to
some point or points on Lake Erie, and it is expedient to grant
the prayer of the petitioners ;

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
10 as follows :—

1. Samuel Peters, John McCleary, Samuel Shepard, Murray Incorporation.
Anderson, John Ellison, James Beggs, Ellis W. Hyman, and
George G. McGee, together with such persons and corporations
as shall, in pursuance of this Act, become shareholders of the
15 said company, hereby incorporated, are hereby constituted and
declared to be a body corporate and politic, by the name of Corporate
"The London and Erie Railway Company." name.

2. The several clauses of the Railway Act of the Consoli-
dated Statutes of Canada, and amendments with respect to the
20 first, second, third, fourth, fifth, and sixth clauses thereof, and
also the several clauses thereof, with respect to "interpreta-
tion," "incorporation," "powers," "plans and surveys," "lands
and their valuation," "highways and bridges," "fences,"
"tolls," "general meetings," "president and directors, their
25 election and duties," "calls," "shares and their transfer,"
"municipalities," "shareholders," "actions for indemnity and
fines and penalties and their prosecution," "by-laws, notices,
&c.," "working of the railway," "and general provisions,"
shall be incorporated with and deemed to be a part of this Act,
30 and shall apply to this said company, and to the railway to be
constructed by them, except only so far as they may be incon-
sistent with the express enactments thereof, and the expression
"this Act," when used herein, shall be understood to include the
clauses of the said Railway Act, so incorporated with this Act. Certain clauses
of the Railway
Act to apply.

35 3. The said company, and their servants and agents, shall
have full power, under this Act, to construct a railway
from any point in or near the City of London, intersecting the
Canada Southern Railway, at or near the junction with the
Mooretown branch thereof, and thence to some point or points
on Lake Erie. Location of
line.

40 4. The said company shall have full power to pass over any
portion of the country between the points aforesaid, and to Power to pass
over certain
lands and
roads.

carry the said railway through the Crown Lands lying between said points, and to carry the same along any public road or highway ; provided they shall have first obtained the sanction of the council of the municipality in which such road or highway is situated.

5

Gauge.

5. The gauge of the said railway shall not be less than four feet eight inches, but may be wider in the discretion of the directors of said company.

Form of conveyances.

6. Conveyances of lands to the said company, for the purposes of this Act, may be made in the form set out in the schedule "A" hereunder written, or to the like effect, and such conveyances shall be registered by duplicates thereof, in such manner and upon such proof of execution as is required under the registry laws of Ontario, and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicates thereof.

Provisional directors.

7. From and after the passing of this Act, the said Samuel Peters, John McClary, Samuel Shepard, Murray Anderson, John Ellison, James Beggs, Ellis W. Hyman, and George G. McGee, shall be the provisional directors of the said company.

Powers of provisional directors.

8. The said provisional directors, until others shall be named, as hereinafter provided, shall constitute the board of directors of the company, with power to fill vacancies occurring therein ; to open stock-books ; to make a call upon the shares subscribed therein ; to call a meeting of the subscribers thereto, for the election of other directors, as hereinafter provided, and with all other powers as, under the Railway Act, are vested in such boards.

Capital stock.

9. The capital of the company, hereby incorporated, shall be one hundred thousand dollars (with power to increase the same in the manner provided by the Railway Act) to be divided into two thousand shares of fifty dollars each, and shall be raised by the persons and corporations who may become shareholders

Application of money.

in such company, and the money so raised shall be applied in the first place, to the payment and discharge of all fees, expenses, and disbursements, for procuring the passage of this Act, and for making the surveys, plans, and estimates connected with the works hereby authorised ; and all the remainder of such moneys shall be applied to the making, equipment, and completion of the said railway and the other purposes of this Act, and to no other purpose whatever ; and until such preliminary expenses shall be paid out of the capital stock it shall be lawful for the municipality of any city, county, township, or village to pay out of the funds of such municipality, or for any individual or individuals, to pay and advance, either by way of bonus or donation, or by way of loan to the said company, such preliminary expenses, or any part thereof, as to the council of such municipality, or to such individual or individuals may appear expedient ; and in case of a loan, any sum thus advanced shall be refunded to the municipality, or individual or individuals, from the stock of said company, or shall be allowed in payment of any stock which may be subscribed for by said municipality, or individual or individuals.

10. It shall be lawful for the corporation of any municipality through any part of which the said railway passes, or is situate by by-law specially passed for that purpose, to exempt the said company and its property within such municipality, either in whole or in part, from municipal assessment or taxation, or to agree to a certain sum per annum, or otherwise in gross, or by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding fifteen years. Exemption from taxation

11. And it shall further be lawful for any municipality or municipalities through any part of which or near which the Railway or works of the said company shall pass or be situated, to aid and assist the said company by loaning, guaranteeing or giving money by way of loans or donations or other means to the company in the construction or equipment of said railway, or of any of the works authorized under this Act, in such manner and to such extent as such municipalities or any of them shall think expedient: Provided that no such aid or assistance by way of bonus, donation, or otherwise shall be given until after the passing of a by-law for the purpose, and the adoption of such by-law by the rate-payers: Provided also that any such by-law to be valid shall be made in conformity with the laws of this Province respecting municipal institutions, and all such by-laws so passed shall be valid notwithstanding such rate may exceed the aggregate rate of two cents in the dollar on the actual value of such ratable property: Provided that the annual rate of assessment shall not in any case exceed for all purposes three cents in the dollar on the actual value of the whole ratable property within the municipality or portion of a municipality creating such debt. Aid from municipalities.

12. In case fifty persons at least, rated on the last revised assessment roll of any municipality as freeholders, who may be qualified voters under the Municipal Act, do petition the council of such municipality and in such petition expressing the desire of the said petitioners to aid in the construction of the said railway by giving a bonus to the said company, and stating the amount which they so desire to grant and be assessed for, the council of such municipality shall within six weeks after the receipt of such petition introduce a by-law and submit the same to the vote of the qualified voters; and in case aid is desired from any portion of a township municipality, if at least fifty of the persons who are qualified voters as aforesaid in any portion of the said township municipality do petition the council of such municipality to pass a by-law in such petition, defining the metes and bounds within which the property of the petitioners is situate, and expressing the desire of the said petitioners to aid in the construction of the said railway, by granting a bonus to the said company and stating the amount which they so desire to grant and be assessed for, the council of such municipality shall within six weeks after the receipt of such petition, introduce the requisite by-law and submit the same to the approval of the qualified voters of the said portion of such municipality; and in case aid is desired from any county municipality upon the petition of at least fifty persons who are qualified voters in each Aid from municipalities.

such county municipality, and in case aid is desired from any portion of a county municipality, upon the petition of at least twenty persons, qualified voters from each minor municipality or the portion thereof to be affected by the by-law as the case may be, or upon the petition of the majority of the reeves and deputy reeves of such county municipality as reside in the said portion from which aid is desired; and in the case of a portion of a county do in such petition define the municipality or municipalities within such county municipality, and the metes and bounds of the portion or portions of the municipality forming the portion of the county municipality that may be asked to grant aid, and in either case in such petition expressing the desire of the said petitioners to aid in the construction of the said railway by granting a bonus to the said company, and stating the amount which they so desire to grant and be assessed for, the council of such county municipality shall within six weeks after the receipt of such petition, introduce the requisite by-law and submit the same to the vote of the qualified voters of the county or the portion of the county, defined in the said petition as the case may be, in the same manner and to the same effect as if they had introduced the same of their own motion, and upon any such petition being presented to the warden or other head of any county, or the reeve, mayor, or other head of any other municipality, he shall forthwith call a meeting of the council of such municipality to be held within four weeks thereafter, for the purpose of introducing such by-law, and submitting the same to the vote of the qualified voters.

Municipalities
aiding may
provide as to
application of
bonuses.

13. Whenever any municipality or a portion of a municipality shall grant a bonus to aid the making, equipment, and completion of said railway, it shall be lawful for said company to enter into a valid agreement with such municipality, binding the said company to expend the whole or a part of such bonus upon works of construction within the limits of the municipality, granting the same, or upon any particular portion of the said line of railway.

Debentures to
be delivered
to trustees.

14. Whenever any municipality or portion of a municipality shall grant a bonus to aid the said company in the making, equipping and completion of the said railway, the debentures therefor shall within six weeks after the passing of the by-law authorizing the same, be delivered to three trustees, to be named one by the Lieutenant-Governor in Council, one by the said company, and one by the mayor of the City of London, and the wardens of the counties of Middlesex and Elgin, such trustees to be residents of some of the municipalities through which the said railway is to be built: Provided that if the Lieutenant-Governor in council shall refuse or neglect to name such trustee within one month after the notice in writing to him of the appointment of the other two trustees, the said company shall be at liberty to name one in the place of the one to have been named by the said Lieutenant-Governor in Council: Provided also that the said mayor and wardens shall appoint the said trustee to be named by them by the vote of a majority of them who shall attend a meeting for that purpose, to be held at such time and place as the said company may appoint for that purpose, notice of which shall be sent to the said mayor and each warden by

mail at least fourteen days before the day appointed, and if the said mayor and wardens then fail or neglect to name such trustee, the said company shall be at liberty to name one in the place of the trustee to have been named by the said mayor and wardens.

15. Any trustee appointed may be removed, and a new trustee appointed in his place at any time, by the consent of the Lieutenant-Governor in Council, a majority of the said wardens, mayor, and the said company.

16. The said trustees shall receive the said debentures in trust, firstly, to convert the same into money; secondly, to deposit the amount realized from the sale of such debentures in some of the chartered banks having an office in the city of London in the name of "The London and Erie Railway Municipal Trust Account," and to pay the same out to the said Company from time to time on the certificate of the chief engineer of the said railway in the form set out in schedule "B" hereto, or to the like effect, setting out the portion of the railway to which the money to be paid out is to be applied, and the total amount expended on such portion to the date of the certificate, and that the sum does not exceed the *pro rata* amount per mile for the length of the road to be applied on the work so done; and such certificates to be attached to the cheques to be drawn by the said trustees; and the wrongfully granting any such certificates by such engineer shall be a misdemeanor punishable by fine and imprisonment by any court of competent jurisdiction in the Province of Ontario.

17. The act of any two of such trustees shall be as valid and binding as if the three had agreed thereto.

18. As soon as shares to the amount of at least forty thousand dollars of the capital stock of the said company other than by municipalities shall have been subscribed, and twenty per centum paid thereon into some chartered bank having an office in the City of London, (which shall only be drawn therefrom for the use of the company) the directors shall call a general meeting of the subscribers to such capital stock who shall have paid up twenty per centum thereof for the purpose of electing directors of the said company.

19. In case the provisional directors neglect to call such meeting for the space of three months after such amount of the capital stock shall have been subscribed and twenty per cent. thereof so paid up, the same may be called by any five of the subscribers who shall have so paid up twenty per centum and who are each subscribers for not less than one thousand dollars of the said capital stock, and who have paid up all calls thereon.

20. In either case, notice of the time and place of holding such general meeting shall be given by publication in the *Ontario Gazette* and in one newspaper in the city of London and town of St. Thomas respectively, once in each week for the space of at least one month, and such meeting shall be held in the city of London at such place therein, and on such day, and at such time as may be named by such notice.

Proceedings at meeting.

21. At such general meetings the subscribers for the capital stock assembled, who shall have so paid up twenty per centum thereof, with such proxies as may be present, shall choose nine persons to be the directors of the said company, and may also make or pass such rules and regulations and by-laws as may be deemed expedient, provided they be not inconsistent with this Act. 5

Qualification of directors.

22. Such directors shall be chosen from the shareholders, and no person shall be qualified to be elected as such director unless he holds at least ten shares in the capital stock of said company, and has paid up all calls thereon. 10

Annual meetings.

23. Thereafter the general annual meetings of the shareholders of the said company shall be held in such place in the city of London, and on such days and at such hours as may be directed by the by-laws of the said company, and public notice thereof shall be given at least thirty days previously in the *Ontario Gazette*, and in one or more newspapers published in the counties through which the railway runs. 15

Special meetings.

24. Special general meetings of the shareholders of the said company may be held at such places in the city of London, and at such times and in such manner and for such purposes as may be provided by the by-laws of said company. 20

Issue of bonds.

25. The directors of the said company, after the sanction of the shareholders shall have been first obtained at any special general meeting to be called from time to time for such purpose, but limited to the terms of this Act, shall have power to issue bonds made and signed by the president or vice-president of the said company and countersigned by the secretary and treasurer and under the seal of the said company, for the purpose of raising money for prosecuting the said undertaking and such bonds shall without registration or formal conveyance be taken and considered to be the first and preferential claims and charges upon the undertaking and the property of the said company, real and personal, then existing, and at any time thereafter acquired, and each holder of any such bonds shall be deemed to be a mortgagee and incumbrancer *pro rata* with all other holders of such bonds, upon the undertaking and property of the company as aforesaid: Provided, however that the amount of such bonds outstanding at any one time shall not exceed the sum of twelve thousand dollars for each mile of the railway actually contracted for and under construction or completed at the time of such issue: And Provided also that the amount of such issue shall not at any time be in excess of the amount actually expended in the surveys, purchase of right of way, and in works of construction upon the line, or for material actually furnished and delivered to the company within the Province of Ontario or Quebec: And Provided also further, in the event at any time of the interest upon the said bonds remaining unpaid and owing, then at the next ensuing general annual meeting of the said company, all holders of such bonds shall have and possess the same rights, privileges and qualifications for directors and for voting as are enjoyed by or attached to shareholders, provided that the bonds and any transfers thereof shall have been first registered in the same manner as is provided for the registration of shares. 25 30 35 40 45 50 55

Proviso.

Proviso.

Proviso: Rights of unpaid bondholders.

26. In computing the mileage referred to in the last preceed-
 ing clause, sidings should be included in addition to the main
 line not to exceed ten per centum of each mile of the railway.

Sidings in-
 cluded in main
 line.

27. All such bonds, debentures and other securities and
 5 coupons and interest warrants thereon, respectively, may be
 made payable to bearer and transferable by delivery, and any
 holder of any such so made payable to bearer, may sue at law
 thereon in his own name.

Bonds, &c.,
 may be made
 payable to
 bearer.

28. The said company shall have power and authority to
 10 become parties to promissory notes and bills of exchange for
 sums not less than one hundred dollars, and any such promissory
 note made or endorsed by the president or vice-president
 of the company, and countersigned by the secretary and treasurer
 of the said company, and under the authority of a quorum
 15 of the directors, shall be binding on the said company, and
 every such promissory note or bill of exchange so made shall
 be presumed to have been made with proper authority, until
 the contrary be shown, and in no case shall it be necessary to
 have the seal of the said company affixed to such promissory
 20 note or bill of exchange, nor shall the president or vice-president,
 or the secretary and treasurer be individually responsible
 for the same, unless the said promissory notes or bills of exchange
 have been issued without the sanction and authority of
 the board of directors as herein provided and enacted: Provided
 25 however that nothing in this section shall be construed to
 authorize the said company to issue any note or bill of exchange
 payable to bearer, or intended to be circulated as money
 or as the notes or bills of a bank.

Negotiable in-
 struments.

Proviso.

29. Every shareholder of one or more shares of the said
 30 capital stock, shall at any general meeting of the said shareholders
 be entitled to one vote for every share so held by him.

Scale of votes

30. At all meetings of the company the stock held by municipal
 and other corporations, may be represented by such person
 as they shall respectively have appointed for that purpose by
 35 by-law, and such person shall at such meetings be entitled
 equally with other shareholders to vote by proxy, and no
 shareholder shall be entitled to vote on any matter whatever,
 unless all calls due on the stock held by such shareholders,
 shall have been paid up at least one week before the day ap-
 40 pointed for such meeting.

Municipal di-
 rectors

31. Any meeting of the directors of the said company
 regularly summoned, at which not less than five directors shall
 be present, shall be competent to exercise and use all and every
 of the powers hereby invested in the said directors.

Quorum of
 directors.

32. On the subscription for shares of the said capital stock,
 45 each subscriber shall pay forthwith to the directors for the
 purposes set out in this Act, twenty per centum of the amount
 subscribed by him, and the said directors shall deposit the
 same in some chartered bank to the credit of the said com-
 50 pany.

Twenty p. c. to
 be paid up.

33. Hereafter calls may be made by the directors for the
 time being as they shall see fit, provided that no calls shall be

Calls.

made at any one time of more than ten per centum of the amount subscribed by each subscriber.

Procuring
lands for gra-
vel pits, &c.

34. Whenever it shall be necessary for the purpose of securing sufficient lands for stations or gravel pits, or for constructing maintaining and using the said railway, the company may purchase, hold, use or enjoy such lands, and also the right of way thereto, if the same be separated from their railway, and to sell and convey the same or parts thereof from time to time as they may deem expedient. 5

Company may
agree with
other Com-
panies as to
leasing.

35. It shall be lawful for the said company to enter into any agreement with any other railway company for leasing the said railway or any part thereof, or the use thereof, at any time or times or for any period to such other railway company, or for leasing or hiring from any other company any railway or part thereof, or the use thereof; or for the leasing or hiring any locomotives, tenders or movable property, and generally to make any agreement or agreements, with any such other company touching the use by the one or the other, or by both companies of the railway or moveable property of either or both or any part thereof, and any such lease or agreement shall be valid and binding, and shall be enforced by a court of law according to the terms and tenor thereof, and such other company accepting and executing such lease or agreement, shall be and hereby is empowered to exercise all the rights and privileges conferred on the said The London and Erie Railway Company, by this Act, provided that no such agreement shall be valid unless the same shall have been sanctioned at a general meeting of the shareholders of the London and Erie Railway Company specially convened for that purpose. 10 15 20 25

Commence-
ment and com-
pletion of rail-
way.

36. The said railway shall be commenced within two years, and completed within five years after the passing of this Act, or else the charter shall be forfeited. 30

SCHEDULE "A."

(Section 6.)

Know all men by these presents, that I (*or we*) (*insert also the name of the wife or any other person who may be a party*) in consideration of dollars of lawful money of Canada, paid to me (*or as the case may be*) by the London and Erie Railway Company, the receipt whereof is hereby acknowledged, do grant and convey, and I the said do grant and release, or do bar my dower (*as the case may be*) all that certain parcel (*or those certain parcels, as the case may be*) of land situate (*describe the land*) the same having been selected and laid out by the said company for the purposes of their railway, to hold with the appurtenances unto the said, The London and Erie Railway Company, their successors and assigns.

As witness my (*or our*) hand and seal (*or hands and seals*) this day of one thousand eight hundred and

Signed, sealed and delivered }
in presence of }

L. S.

SCHEDULE "B."

(Section 16.)

CHIEF ENGINEER'S CERTIFICATE.

The London and Erie Railway Company's Office,

(Engineer's Department.)

No. London, 187

Certificate to be attached to cheques drawn on The London and Erie Railway Municipal Trust Account, and given under sec. _____ of cap. _____ 37 Vic.

I, _____, chief engineer for The London and Erie Railway Company, do hereby certify, that there has been expended in the construction of mile, No. _____ the sum of _____ dollars, to date, and that the total *pro rata* amount due for the same, from the said Municipal Trust Account, amounts to the sum of _____ dollars, which said sum of _____ dollars, is now due and payable, as provided under said Act.

3rd Session, 2nd Parliament, 37 Vict., 1874.

BILL.

An Act to incorporate The London and Erie
Railway Company.

1st Reading, 17th February, 1874.

(PRIVATE BILL.)

Mr. HODGINS.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act to incorporate the London and Erie Railway Company.

WHEREAS, a petition has been presented praying that a Preamble.
company may be incorporated to construct a railway
from a point in or near the City of London, intersecting the
Canada Southern Railway, at or near the junction with the
5 Mooretown branch thereof, with power to extend the same to
some point or points on Lake Erie, and it is expedient to grant
the prayer of the petitioners ;

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
10 as follows :—

1. Samuel Peters, John McClary, Samuel Shepard, Murray Incorporation.
Anderson, John Ellison, James Beggs, Ellis W. Hyman, and
George G. McGee, together with such persons and corporations
as shall, in pursuance of this Act, become shareholders of the
15 said company, hereby incorporated, are hereby constituted and
declared to be a body corporate and politic, by the name of Corporate
"The London and Erie Railway Company." name.

2. The several clauses of the Railway Act of the Consoli- Certain clauses
dated Statutes of Canada, and amendments with respect to the of the Railway
20 first, second, third, fourth, fifth, and sixth clauses thereof, and Act to apply.
also the several clauses thereof, with respect to "interpretation,"
"incorporation," "powers," "plans and surveys," "lands and their valuation,"
"highways and bridges," "fences," "tolls," "general meetings,"
"president and directors, their
25 election and duties," "calls," "shares and their transfer,"
"municipalities," "shareholders," "actions for indemnity and
fines and penalties and their prosecution," "by-laws, notices, &c.,"
"working of the railway," "and general provisions," shall be incorporated
30 and shall apply to this said company, and to the railway to be
constructed by them, except only so far as they may be inconsistent
with the express enactments thereof, and the expression
"this Act," when used herein, shall be understood to include the
clauses of the said Railway Act, so incorporated with this Act. Interpretation
of the words
"this Act."

35 3. The said company, and their servants and agents, shall Location of
have full power, under this Act, to construct a railway line.
from any point in or near the City of London, intersecting the
Canada Southern Railway, at or near the junction with the
Mooretown branch thereof, and thence to some point or points
40 on Lake Erie.

4. The said company shall have full power to pass over any Power to pass
portion of the country between the points aforesaid, and to over certain
lands and roads.

carry the said railway through the Crown Lands lying between said points, and to carry the same along any public road or highway; provided they shall have first obtained the sanction of the council of the municipality in which such road or highway is situated. 5

Gauge.

5. The gauge of the said railway shall not be less than four feet eight inches, but may be wider in the discretion of the directors of said company.

Form of conveyances.

6. Conveyances of lands to the said company, for the purposes of this Act, may be made in the form set out in the schedule "A" hereunder written, or to the like effect, and such conveyances shall be registered by duplicates thereof, in such manner and upon such proof of execution as is required under the registry laws of Ontario, and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicates thereof. 10 15

Provisional directors.

7. From and after the passing of this Act, the said Samuel Peters, John McClary, Samuel Shepard, Murray Anderson, John Ellison, James Beggs, Ellis W. Hyman, and George G. McGee, shall be the provisional directors of the said company. 20

Powers of provisional directors.

8. The said provisional directors, until others shall be named, as hereinafter provided, shall constitute the board of directors of the company, with power to fill vacancies occurring therein; to open stock-books; to make a call upon the shares subscribed therein; to call a meeting of the subscribers thereto, for the election of other directors, as hereinafter provided, and with all other powers as, under the Railway Act, are vested in such boards. 25

Capital stock.

9. The capital of the company, hereby incorporated, shall be one hundred thousand dollars (with power to increase the same in the manner provided by the Railway Act) to be divided into two thousand shares of fifty dollars each, and shall be raised by the persons and corporations who may become shareholders in such company, and the money so raised shall be applied in the first place, to the payment and discharge of all fees, expenses, and disbursements, for procuring the passage of this Act, and for making the surveys, plans, and estimates connected with the works hereby authorised; and all the remainder of such moneys shall be applied to the making, equipment, and completion of the said railway and the other purposes of this Act, and to no other purpose whatever; and until such preliminary expenses shall be paid out of the capital stock it shall be lawful for the municipality of any city, county, township, or village to pay out of the funds of such municipality, or for any individual or individuals, to pay and advance, either by way of bonus or donation, or by way of loan to the said company, such preliminary expenses, or any part thereof, as to the council of such municipality, or to such individual or individuals may appear expedient; and in case of a loan, any sum thus advanced shall be refunded to the municipality, or individual or individuals, from the stock of said company, or shall be allowed in payment of any stock which may be subscribed for by said municipality, or individual or individuals. 30 35 40 45 50

Application of money.

10. It shall be lawful for the corporation of any municipality through any part of which the said railway passes, or is situate by by-law specially passed for that purpose, to exempt the said company and its property within such municipality, either in whole or in part, from municipal assessment or taxation, or to agree to a certain sum per annum, or otherwise in gross, or by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding fifteen years. Exemption from taxation.

11. The said company may receive from any Government, or from any persons or bodies corporate, municipal or politic, who may have power to make or grant the same, aid towards the construction, equipment or maintenance of the said railway, by way of bonus, gift, or loan in money, or debentures or other securities for money, or by way of guarantee, upon such terms and conditions as may be agreed upon. Aid to Company from Government, &c.

12. Any municipal corporation, or any portion of a municipality, which may be interested in securing the construction of the said railway, or through any part of which, or near which, the railway or works of the said company shall pass or be situate, may aid the said company by giving money or debentures by way of bonus, gift, or loan, or by the guarantee of the municipal corporation, under and subject to the provisions hereinafter contained, which are to be taken as applicable thereto, instead of sections four hundred and seventy-two, four hundred and seventy-three and four hundred and seventy-four of the Municipal Institutions Act: Provided always: that no such aid shall be given, except after the passing of a by-law for the purpose, and the adoption of such by-law by the qualified ratepayers of the municipality or portion of the municipality, (as the case may be) as provided in the Municipal Act for the creation of debts. Aid from Municipalities

13. Such by-law shall be submitted by the municipal council to the vote of the ratepayers in manner following, namely:— Manner of submitting by-laws to rate-payers.

1. The proper petition shall first be presented to the council, expressing the desire to aid the railway, and stating in what way and for what amount; and the council shall within six weeks after the receipt of such petition by the clerk of the municipality introduce a by-law to the effect petitioned for, and submit the same for the approval of the qualified voters;

2. In the case of a county municipality the petition shall be that of a majority of the reeves and deputy-reeves, or of twenty resident freeholders in each of the minor municipalities of the county, who are qualified voters under the Municipal Act;

3. In the case of other municipalities, the petition shall be that of a majority of the council thereof, or of twenty resident freeholders, being duly qualified voters as aforesaid;

4. In the case of two or more minor municipalities, or sections of two or more such municipalities, or of two or more such municipalities with a section or sections of one or more minor municipalities forming part of a county municipality, the petition is to be presented to the county council, describing the portions to be grouped, and defining any section by metes and bounds; and shall be that of a majority of each of the councils of such minor municipalities respectively, or of twenty resident

freeholders in each of the said municipalities, or sections proposed to be grouped, being duly qualified voters as aforesaid.

Aid from portions of County Municipalities.

Grouping minor municipalities.

Proceedings in opposing submission of by-law.

Arbitration.

Costs.

Rate to be levied only on the part of municipality granting bonus.

Railway to make deposit for expenses.

Interpretation of the words "minor municipality."

By-laws to be valid, though the annual rate exceed

14. Where a portion of the county municipality petitions to aid the railway, it shall be such portion only as shall consist of two or more minor municipalities or sections thereof, through which the line of railway is to be constructed, or which will be benefited thereby, and such minor municipalities and sections thereof shall lie contiguous; but no minor municipality or section thereof, which is subject to a county or other by-law in aid of the same railway, shall be thus grouped without the consent of the majority of the duly qualified voters therein expressed to that end, when voting upon the proposed by-law.

15. In case of aid from a county municipality, or from a grouped portion thereof, twenty resident freeholders of the county, or portion comprised in the proposed by-law (as the case may be) may petition the county council against submitting the said by-law, upon the ground that certain minor municipalities, or portions thereof, comprised in the said by-law would be injuriously affected thereby, or upon any other ground ought not to be included therein; and upon deposit by the petitioners with the treasurer of the county of a sum sufficient to defray the expense of such reference, the said council shall forthwith refer the said petition to three arbitrators, one being the judge of the county court, one being the registrar of the county, or the riding in which the county town is situate, and one being an engineer appointed by the Commissioner of the Department of Public Works for Ontario, who shall have power to confirm or amend the said by-law by excluding any minor municipality, or any section thereof, therefrom; and the decision of any two of them shall be final; and the by-law so confirmed and amended, shall thereupon, at the option of the railway company, be submitted by the council to the duly qualified voters; and in case the by-law is confirmed by the arbitrators, the expense of the reference shall be borne by the petitioners against the same, but if amended, then by the railway company, or the county, as the arbitrators may order.

16. In the case of a portion of the county municipality being formed into a group, the by-law to be submitted shall be that of the county, but the rate to be levied for payment of the debentures issued thereunder, and the interest thereon, shall be assessed and levied upon such portions only of the county municipality; and the voting thereon shall be limited to the duly qualified voters in such portions only.

17. Before any such by-law is submitted, the railway company shall deposit with the treasurer of the municipality a sum sufficient to pay the expenses to be incurred in submitting said by-law.

18. The term "minor municipality" shall be construed to mean any town not separated from the municipal county, township, or incorporated village situate in the county municipality.

19. No by-law shall be valid, or shall be submitted to such vote for granting aid to the railway which shall require the levying of a greater aggregate annual rate for all purposes, ex-

clusive of school rates, than three cents in the dollar upon the value of the ratable property in each of the minor municipalities or sections effected thereby; but for the purposes of such aid, the amount of the aggregate annual rate to be levied in any such municipality or section, may exceed the two cents in the dollar limited by the Municipal Act. two cents in dollar.

20. Such by-law shall in each instance provide:

Requisites of by-law.

1. for raising the amount petitioned for in the municipality or portions of the county municipality (as the case may be) mentioned in the petition by the issue of debentures of the county or minor municipality, respectively, and shall also provide for the delivery of the said debentures or the application of the amount to be raised thereby, as may be expressed in the said by-law;

2. For assessing and levying upon all ratable property lying within the municipality or portions of the county municipality defined in said by-law (as the case may be) an annual special rate sufficient to include a sinking fund for the repayment of the said debentures, within twenty years with interest thereon, payable yearly or half-yearly, or by equal annual instalments of principal and interest; which debentures the respective municipal councils, warden; reeves and other officers thereof are hereby authorized to execute and issue in such cases respectively: Provided that in case the sum raised under the authority of such by-law is invested in the capital stock or bonds of the railway company or loaned thereon, the council of the municipality holding such stock or bonds may sell and dispose of the same or any part thereof, and shall in such case apply the moneys received therefor in payment of the said debentures and interest.

21. In case the by-law submitted is not approved of, no other by-law which is in substance the same shall be submitted to the voters of the same municipality or portions of the county municipality, until after the expiration of six months from such rejection. If by-law defeated, limit of time for submitting similar one.

22. In case the by-law submitted be approved of or carried by a majority of the votes given thereon, then within four weeks after the date of such voting, the municipal council which submitted the same, shall read the said by-law a third time and pass the same. If by-law carried, council to pass the same,

23. Within one month after the passing of such by-law, the said council, and the warden, reeve or other officer thereof shall issue or dispose of the debentures necessary to raise the sum mentioned in such by-law, and otherwise act according to the terms thereof. and issue the debentures.

24. The corporation of any county municipality shall be at liberty to take the debentures issued by any township in aid of the railway company, and give in exchange therefor to the said township, a like amount of the debentures of the said county, on a resolution to that effect being passed by the county council; but the township municipality shall in such case keep the county municipality fully indemnified against any rate or liability in respect of said debentures. Corporation may change their debentures for those of the townships.

Trustees for
municipal
debentures.

25. Whenever any municipality or portion of a county municipality shall grant aid by way of bonus or gift to the railway company, the debentures therefor, shall within six months after passing of the by-law authorizing the same, be delivered to three trustees to be named, one by the Lieutenant-Governor in Council, one by the said company, and one by the majority of the heads of the municipalities which have granted bonuses; all of the trustees to be residents of the Province of Ontario: Provided that if the said Council shall refuse or neglect to name such trustee, or if the Lieutenant-Governor in Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustees, the company shall be at liberty to name such other trustee or other trustees; any of the said trustees may be removed and a new trustee appointed in his place at any time, by the Lieutenant-Governor in Council, with the consent of the said company; and in case any trustee die, or resign his trust, or go to live out of Ontario, or otherwise become incapable to act, his trusteeship shall become vacant, and a new trustee may be appointed by the Lieutenant-Governor in Council, with the consent of said company.

Trusts in
which debentures
are to
be held.

26. The said trustees shall receive the said debentures or bonds in trust: firstly under the direction of the company to convert the same into money; secondly, to deposite the amount realized from the sale in some of the chartered banks, having an office in this Province, in the name of "The Victoria Railway Municipal Trust Account," and to pay the same out to the said company from time to time, on the certificate of the chief engineer of the said railway, in the form set out in schedule A hereto, or to the like effect setting out the portion of the railway to which the money to be paid out is to be applied, and that the sum so certified for, is in pursuance of the terms and conditions of the by-law, and such certificate is to be attached to the cheques to be drawn by the said trustees; and such engineer shall not wrongfully grant any such certificate under penalty of one hundred dollars, recoverable in any county court by any person who may sue therefor.

Trustees' fees.
Act of two to
govern.

27. The trustees shall be entitled to their reasonable fees and charges from said trust fund, and the act of any two of such trustees to be as valid and binding as if the three had agreed.

Municipal
directors.
Company may
receive gifts of
land.

28. Any municipality which shall grant a bonus of not less than fifty thousand dollars in aid of the said company may stipulate that it shall be entitled to name a director in the said company as the representative of such municipality; and such director shall be, in addition to the directors elected by the shareholders, and shall not be required to be a shareholder in the company, and shall continue in office as a director in the said company until his successor shall be appointed by the municipality which he represents.

Company may
receive gifts
of lands.

29. Any municipality through which the said railway may pass is empowered to grant by way of gift to the said company any lands belonging to such municipality, which may be required for right of way, station grounds or other purposes connected with the running or traffic of the said railway; and the said railway company shall have power to accept gifts of land from any Government or any person or body politic or corporate, and shall have power to sell or otherwise dispose of the same of the benefit of the said company.

30. It shall further be lawful for the council of any municipality in which any part of the railway of the company is situate, by by-law specially passed for that purpose, to exempt the said company and its property, within such municipality, 5 either in whole or in part, from municipal assessment or taxation, or to agree to a certain sum per annum or otherwise, in gross or by way of commutation or composition for payment; or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years 10 as such municipal corporation may deem expedient, not exceeding twenty-one years, and any such by-law shall not be repealed unless in conformity with a condition contained therein.

Municipalities may exempt Company from taxation.

31. It shall and may be lawful for the council of any municipality that may grant a bonus to the company, and they shall 15 have full power to extend the time for completion of the works on the completion of which the said company would be entitled to such bonuses.

Council may extend time.

32. It shall be lawful for the council of any township or county municipality interested in the said extension branches, 20 or any of them, and without complying with the requirements of any Act providing for the creation of debts by municipal corporations on behalf of such township or county municipalities, to bear all, or part of the costs, charges and expenses of, and incidental to the submission of any by-law to the said qualified 25 voters for granting a bonus to the said company, or may give the said company a bonus on account of such costs, charges and expenses; Provided always that no one such bonus shall exceed five thousand dollars.

Councils may contribute towards preliminary expenses.

33. Whenever any municipality or portion of a municipality 30 shall aid, loan, guarantee or give money or bonds by way of bonus to aid the making, equipment and completion of said extension and branches, or any part or parts thereof, it shall be lawful for the said company to enter into a valid agreement with any such municipality binding the said company to expend the whole of such aid so given upon works of construction, 35 within the limits of the municipality granting the same, otherwise as may be agreed upon.

Municipalities may agree as to application of bonus.

34. As soon as shares to the amount of at least forty thousand dollars of the capital stock of the said company other 40 than by municipalities shall have been subscribed, and twenty per centum paid thereon into some chartered bank having an office in the City of London, (which shall only be drawn therefrom for the use of the company) the directors shall call a general meeting of the subscribers to such capital stock who 45 shall have paid up twenty per centum thereof for the purpose of electing directors of the said company.

Election of Directors.

35. In case the provisional directors neglect to call such meeting for the space of three months after such amount of the capital stock shall have been subscribed and twenty per cent. 50 thereof so paid up, the same may be called by any five of the subscribers who shall have so paid up twenty per centum and who are each subscribers for not less than one thousand dollars of the said capital stock, and who have paid up all calls thereon.

If provisional Directors neglect to call meeting, how to be called.

Notice of
meeting.

36. In either case, notice of the time and place of holding such general meeting shall be given by publication in the *Ontario Gazette* and in one newspaper in the city of London and town of St. Thomas respectively, once in each week for the space of at least one month, and such meeting shall be held in the city of London at such place therein, and on such day, and at such time as may be named by such notice. 5

Proceedings at
meeting.

37. At such general meetings the subscribers for the capital stock assembled, who shall have so paid up twenty per centum thereof, with such proxies as may be present, shall choose nine persons to be the directors of the said company, and may also make or pass such rules and regulations and by-laws as may be deemed expedient, provided they be not inconsistent with this Act. 10

Qualification
of directors.

38. Such directors shall be chosen from the shareholders, and no person shall be qualified to be elected as such director unless he holds at least ten shares in the capital stock of said company, and has paid up all calls thereon. 15

Annual meet-
ings.

39. Thereafter the general annual meetings of the shareholders of the said company shall be held in such place in the city of London, and on such days and at such hours as may be directed by the by-laws of the said company, and public notice thereof shall be given at least thirty days previously in the *Ontario Gazette*, and in one or more newspapers published in the counties through which the railway runs. 20 25

Special meet-
ings.

40. Special general meetings of the shareholders of the said company may be held at such places in the city of London, and at such times and in such manner and for such purposes as may be provided by the by-laws of said company. 30

Issue of bonds.

41. The directors of the said company, after the sanction of the shareholders shall have been first obtained at any special general meeting to be called from time to time for such purpose, but limited to the terms of this Act, shall have power to issue bonds made and signed by the president or vice-president of the said company and countersigned by the secretary and treasurer and under the seal of the said company, for the purpose of raising money for prosecuting the said undertaking and such bonds shall without registration or formal conveyance be taken and considered to be the first and preferential claims and charges upon the undertaking and the property of the said company, real and personal, then existing, and at any time thereafter acquired, and each holder of any such bonds shall be deemed to be a mortgagee and incumbrancer *pro rata* with all other holders of such bonds, upon the undertaking and property of the company as aforesaid: Provided, however that the amount of such bonds outstanding at any one time shall not exceed the sum of twelve thousand dollars for each mile of the railway actually contracted for and under construction or completed at the time of such issue: And Provided also that the amount of such issue shall not at any time be in excess of the amount actually expended in the surveys, purchase of right of way, and in works of construction upon the line, or for material actually furnished and delivered to the company within the Province of Ontario or Quebec: And Provided also further, in the event at any time 35 40 45 50 55

Proviso.

Proviso.

Proviso:

of the interest upon the said bonds remaining unpaid and owing, then at the next ensuing general annual meeting of the said company, all holders of such bonds shall have and possess the same rights, privileges and qualifications for directors and for voting as are enjoyed by or attached to shareholders, provided that the bonds and any transfers thereof shall have been first registered in the same manner as is provided for the registration of shares.

Rights of unpaid bond-holders.

42. In computing the mileage referred to in the last preceding clause, sidings should be included in addition to the main line not to exceed ten per centum of each mile of the railway.

Sidings included in main line.

43. All such bonds, debentures and other securities and coupons and interest warrants thereon, respectively, may be made payable to bearer and transferable by delivery, and any holder of any such so made payable to bearer, may sue at law thereon in his own name.

Bonds, &c., may be made payable to bearer.

44. The said company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars, and any such promissory note made or endorsed by the president or vice-president of the company, and countersigned by the secretary and treasurer of the said company, and under the authority of a quorum of the directors, shall be binding on the said company, and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority, until the contrary be shown, and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange, nor shall the president or vice-president, or the secretary and treasurer be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the board of directors as herein provided and enacted: Provided however that nothing in this section shall be construed to authorize the said company to issue any note or bill of exchange payable to bearer, or intended to be circulated as money or as the notes or bills of a bank.

Negotiable instruments.

Proviso.

45. Every shareholder of one or more shares of the said capital stock, shall at any general meeting of the said shareholders be entitled to one vote for every share so held by him.

Scale of votes

46. At all meetings of the company the stock held by municipal and other corporations, may be represented by such person as they shall respectively have appointed for that purpose by by-law, and such person shall at such meetings be entitled equally with other shareholders to vote by proxy, and no shareholder shall be entitled to vote on any matter whatever, unless all calls due on the stock held by such shareholders, shall have been paid up at least one week before the day appointed for such meeting.

Municipal directors

47. Any meeting of the directors of the said company regularly summoned, at which not less than five directors shall be present, shall be competent to exercise and use all and every of the powers hereby invested in the said directors.

Quorum of directors.

Twenty p. c. to
be paid up.

48. On the subscription for shares of the said capital stock, each subscriber shall pay forthwith to the directors for the purposes set out in this Act, ten per centum of the amount subscribed by him, and the said directors shall deposit the same in some chartered bank to the credit of the said company. 5

Calls.

49. Thereafter calls may be made by the directors for the time being as they shall see fit, provided that no calls shall be made at any one time of more than ten per centum of the amount subscribed by each subscriber. 10

Procuring
lands for gra-
vel pits, &c.

50. Whenever it shall be necessary for the purpose of securing sufficient lands for stations or gravel pits, or for constructing maintaining and using the said railway, the company may purchase, hold, use or enjoy such lands, and also the right of way thereto, if the same be separated from their railway, 15 and to sell and convey the same or parts thereof from time to time as they may deem expedient.

Company may
agree with
other Com-
panies as to
leasing.

51. It shall be lawful for the said company to enter into any agreement with any other railway company for leasing the said railway or any part thereof, or the use thereof, at any time or 20 times or for any period to such other railway company, or for leasing or hiring from any other company any railway or part thereof, or the use thereof; or for the leasing or hiring any locomotives, tenders or movable property, and generally to make any agreement or agreements, with any such other company touching the use by the one or the other, or by both 25 companies of the railway or moveable property of either or both or any part thereof, and any such lease or agreement shall be valid and binding, and shall be enforced by a court of law according to the terms and tenor thereof, and such other company 30 accepting and executing such lease or agreement, shall be and hereby is empowered to exercise all the rights and privileges conferred on the said The London and Erie Railway Company, by this Act, provided that no such agreement shall be valid unless the same shall have been sanctioned at a general meeting 35 of two-thirds of the shareholders, voting in person or by proxy, of the London and Erie Railway Company, specially convened for that purpose.

Contract for
construction of
railway.

52. It shall be lawful for the directors to enter into a contract or contracts with any individual or association of indi- 40 viduals for the construction or equipment of the line or any portion thereof, including or excluding the purchase of the right of way; and to pay therefor either in cash or bonds, or in paid up stock; notwithstanding that one or more of such contractors may be shareholders or directors in the company: 45 Provided that no such contract shall be of any force or validity till approved of by the shareholders at a meeting specially convened for considering the same.

Commence-
ment and com-
pletion of rail-
way.

53. The said railway shall be commenced within two years, and completed within five years after the passing of this Act, 50 or else the charter shall be forfeited.

SCHEDULE A.

(Section 6.)

Know all men by these presents, that I (or we) (*insert also the name of the wife or any other person who may be a party*) in consideration of dollars of lawful money of Canada, paid to me (*or as the case may be*) by the London and Erie Railway Company, the receipt whereof is hereby acknowledged, do grant and convey, and I the said do grant and release, or do bar my dower (*as the case may be*) all that certain parcel (*or those certain parcels, as the case may be*) of land situate (*describe the land*) the same having been selected and laid out by the said company for the purposes of their railway, to hold with the appurtenances unto the said, The London and Erie Railway Company, their successors and assigns.

As witness my (or our) hand and seal (or hands and seals) this day of one thousand eight hundred and

Signed, sealed and delivered }
in presence of }

[L. S.]

SCHEDULE B.

(Section 26.)

CHIEF ENGINEER'S CERTIFICATE.

THE LONDON AND ERIE RAILWAY COMPANY'S OFFICE
ENGINEER'S DEPARTMENT, A. D. 18

No.

Certificate to be attached to cheques drawn on the London and Erie Railway Municipal Trust Account.

I, Chief Engineer for the London and Erie Railway Company, do hereby certify, that the sum of \$ is required to be expended in the construction of the portion of the line extending from mile No. to mile No. ; and that payment should be made to the Company of such amount from the Municipal Trust Account, the same being in pursuance of the terms and conditions of the By-law of the Municipality of the of

BILL.

An Act to incorporate the London and Erie
Railway Company.

1st Reading, 17th February, 1874.

2nd Reading, 12th March, 1874.

(*PRIVATE BILL.*)

Mr. HODGINS.

TORONTO:

PRINTED BY HUNTER, ROSE & CO.

An Act to unite the Townships of Ashfield, Colborne, and West Wawanosh to the South Riding of the County of Huron, for the purposes of Registration of Titles.

WHEREAS, the reeves and municipal councils of the Preamble.

Townships of Ashfield, Colborne, and West Wawanosh have represented that it is inconvenient for them to remain and form part of the North Riding of Huron, for registration purposes, seeing they are either in close proximity to, or their means of access to, Goderich, the county town, is more commodious than to Blyth, where the registry office of the North Riding is situated, and they have prayed that they should be united to the South Riding for the purposes of registration of titles, and it is expedient to grant the prayer of said petition ;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Upon, from, and after the Certain townships united to South Riding of Huron for registration purposes.
 15 next, the Townships of Ashfield, Colborne, and West Wawanosh shall be united for the purposes of registration of titles to the South Riding of the County of Huron, and from and after the said day form part of such registration division.

2. Upon, from, and after the day last aforesaid, all memorials, Books, etc., of South Riding Registry Office to be transferred to Goderich.
 20 certificates, register books, calendars, instruments, documents and papers relating to, the registration of, or other instruments or documents affecting real estate in the North Riding of the County of Huron, and registered in the Village of Blyth, or in any way forming part of the records and muniments of the said
 25 registry office, shall be transferred to the registry office for the South Riding of Huron, to be kept at Goderich, and shall make and form part of the registers, records and muniments of the said office, and the same shall rank in the order and date of their registry in the said North Riding, as if they had in such
 30 order and date been registered in the South Registry Office for the said County of Huron ; and the registrar of the said South Riding shall have the same powers and duties with respect to them, and to all searches, certificates, and other matters relating to them, as if the registration of the deeds, instruments,
 35 and documents to which they relate, had been effected in the said South Riding Registry Office at the Town of Goderich.

BILL.

An Act to unite the Townships of Ashfield, Colborne, and West Wawanosh to the South Riding of the County of Huron, for Registration of Titles.

First Reading, 17th February, 1874.

(*PRIVATE BILL.*)

Mr. GIBSON.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act to confirm the incorporation of the Village of
Wingham.

WHEREAS, the County Council of the County of Huron, Preamble.
the Council of the Township of Turnberry, and the
inhabitants of the Village of Wingham, have severally pre-
sented petitions from which it appears that the said County
5 Council had duly passed a by-law, dated the fifth day of
December, one thousand eight hundred and seventy-three,
numbered by law, number eleven, one thousand eight hundred
and seventy-three, constituting the Village of Wingham, in
the Township of Turnberry, in the County of Huron, an
10 incorporated Village, and defining the limits thereof, in the
words and figures following, that is to say; Whereas, over
one hundred resident freeholders, (one half of whom are
freeholders of the unincorporated Village of Wingham, in
the Township of Turnberry, in the County of Huron), have
15 by petition to the Council of the County of Huron, requested
that the said Village within the limits and boundaries hereinafter
mentioned, may be erected into an incorporated Village
apart from the said Township of Turnberry; And whereas,
by and under the direction of the County Council of the
20 said County of Huron, a census has been taken by John
Ansley, Esq., of the number of inhabitants comprised within
the limits which are hereinafter described and provided to
be erected into an incorporated Village, and by such census
duly provided before the said County Council, it is shown that
25 the said limits contain eleven hundred and twelve inha-
bitants, be it therefore enacted by the Council of the Corpora-
tion of the County of Huron; and the said Council hereby
enacts as follows:

1. That the following limits, that is to say, all that portion
30 of the Town Plot of Wingham, and lots numbers one and two
in the first concession of the Township of Turnberry in the
County of Huron, described and bounded as follows, that is to
say, commencing on the boundary line between the Townships
of Morris and Turnberry, between lots numbers two and three,
35 in the first concession of said Township of Turnberry, thence in
a northerly direction between said lots number two and three,
to what is now known as the B line, and which said B line is
a continuation of North Street in the said town plot, as far as
the same extends to the north east corner of said lot number
40 two, in the said Township of Turnberry, thence westerly along
the said continuation as above described, and said North street
to Arthur Street in the said town plot and township; thence
in a southerly direction along Arthur Street to where said
street intersects the north branch of the River Maitland, thence
45 through the middle and down said stream to where it meets,
and up to the middle of the south branch of said River Mait-

land, thence through the middle and up said river to where it intersects South Street of the said Town Plot of Wingham, thence in an easterly direction along said South Street to place of beginning, containing in all about (480) four hundred and 5 eighty acres, be erected and constituted an incorporated village, separate and apart from the Township of Turnberry, under and subject to the several provisions of the Act, respecting the Municipal Institutions of the Province of Ontario;

2. That the said village incorporated by this by-law is here- 10 by incorporated by the name of Wingham;

3. That the first election for Reeve and Councillors for the Village of Wingham, shall be held in the school-house in the said village on the day and in the manner provided for the annual municipal elections of the Municipal Act of the Province 15 of Ontario;

4. That Thomas Holmes, Esq., is hereby appointed the Returning Officer, to hold the said first election;

5. That this by-law shall take effect from and after the 25th day of December instant.

(Signed) ARCHIBALD BISHOP,
Warden.

(Signed) PETER ADAMSON,
County Clerk.

20 And that under the provisions of the said by-law, the freeholders and householders of the said village entitled thereto, proceeded to elect, and did elect a reeve and councillors for the year one thousand eight hundred and seventy-four;

That under section eighty-six of the Act respecting Municipal 25 pal Institutions in the Province of Ontario, the first election under a by-law, erecting a locality into an incorporated village, should take place on the first Monday in January next after the end of three months from the passing of the by-law by which the change was made, and that until such day the 30 change should not go into effect, and that it would be productive of great benefit to the petitioners to confirm the proceedings under the said by-law; And whereas it is expedient to grant the prayer of the said petitions;

Therefore, Her Majesty, by and with the advice and consent 35 of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said recited by-law of the County Council of the County of Huron, incorporating the Village of Wingham, is hereby confirmed, as if the incorporation of the said Village had 40 gone into effect on the twenty-fifth day of December, one thousand eight hundred and seventy-three. By-law of County of Huron confirmed.

2. The election of Reeve and Councillors for the Village of Wingham, had under the said by-law, are hereby confirmed, and the Reeve of the said Village of Wingham then elected, 45 shall have a seat in the County Council for the County of Huron, for the year one thousand eight hundred and seventy-four. Election of reeve and councillors confirmed.

3. The Assessor to be appointed by the council of the said village shall make and complete the roll for the present year, 50 not later than the first day of May next. Assessor of Wingham to complete roll by 1st May.



BILL.

An Act to confirm the Incorporation of
the Village of Wingham.

1st Reading, 17th February, 1874.

(*PRIVATE BILL.*)

MR. BISHOP.

TORONTO:

PRINTED BY HUNTER, ROSE & CO.

An Act to authorize the Law Society of Ontario to admit Arthur O'Leary as a Barrister-at Law.

WHEREAS, Arthur O'Leary has, by his petition represented Preamble.
that he was in Easter Term, in the year of our Lord one thousand eight hundred and sixty-eight, admitted to practice as an attorney and solicitor in Her Majesty's Courts of Law and Chancery for Ontario, at Osgoode Hall in the city of Toronto, and has since his admission been continually actively engaged in the practice of his said profession; and also that he was on the nineteenth day of November, in the year of our Lord, duly
10 admitted as a member of the Law Society of Ontario, and now remains on the books of the said Society; And whereas, for the reason aforesaid, the said Arthur O'Leary has prayed that an Act may be passed to enable the Law Society of Ontario to call him to the Bar of Ontario, upon passing the usual
15 final examination prescribed by the said Society; And whereas it is expedient to grant the prayer of the said petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:

- 20 **1.** It shall and may be lawful for the Law Society of Ontario, in their discretion, and upon payment of the usual fees therefor, at any time to call and admit the said Arthur O'Leary to the degree of Barrister-at-Law, and to practice of the law as such, on passing such final examination as may be prescribed by the said
25 Society, without his compliance with any of the requirements or provisions of the rules and regulations of the said Society in that behalf, any law, custom or usage to the contrary notwithstanding.
- A. O'Leary
may be
admitted as a
barrister.

3rd Session, 2nd Parliament, 37 Victoria, 1874.

BILL.

An Act to authorize the Law Society of Ontario, to admit Arthur O'Leary as a Barrister-at-Law.

First Reading, 17th February, 1874.

(*PRIVATE BILL.*)

MR. WOOD.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act to authorize the Courts of Queen's Bench, Common Pleas and Chancery for the Province of Ontario, to admit John McSweyn, as an Attorney and Solicitor therein.

WHEREAS, John McSweyn, of the Town of Lindsay, in the County of Victoria, hath by his petition set forth, that on the day of January, one thousand eight hundred and sixty-seven, he was duly articulated to a practising attorney and solicitor, for a period of five years, (the articles in that behalf having been filed); And whereas, said articles were afterwards by assignment transferred to another practising attorney and solicitor; and subsequently by another agreement in writing, the said John McSweyn served as clerk to a third practising attorney and solicitor for a further period of time, but inadvertently neither said assignment nor agreement was filed as required by law; And whereas, the said John McSweyn has actually served as articulated clerk for a period of seven years, and is desirous of being admitted to practise as an attorney-at-law and solicitor in chancery, and has prayed that an Act may be passed, to enable the Courts of Queen's Bench and Common Pleas, and the Court of Chancery for Ontario, to admit him to practice as an attorney and solicitor of the said courts respectively, upon his passing such final examination as may be prescribed by the Law Society for Ontario; And whereas it is expedient to grant the prayer of the said petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 25 **1.** That it shall and may be lawful for the Courts of Queen's Bench, Common Pleas and the Court of Chancery for Ontario respectively, at any time to admit the said John McSweyn to practice as an attorney-at-law and solicitor in chancery, of the said courts respectively, on his passing such final examination as may be prescribed by the Law Society of Ontario, without his compliance with any other requirements or provisions of law or other rules and regulations of the said law society in that behalf, any law, custom or usage to the contrary notwithstanding.

Preamble

Superior Courts may admit John McSweyn as an attorney and solicitor

BILL.

An Act to authorize the Courts of Queen's Bench, Common Pleas and Chancery for the Province of Ontario, to admit John McSweyn to practise as an attorney and solicitor therein.

1st Reading, 17th February, 1874.

PRIVATE BILL.

Mr. S. C. WOOD.

An Act to amend the Railway Act.

HER Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Each and every railway company heretofore incorporated, Any company may enter lands and erect snow fences.
 5 or which may hereafter be incorporated, and subject to the jurisdiction of the Legislature of Ontario, shall have the right on and after the first day of November in each year, to enter into and upon any lands of Her Majesty, or into and upon the lands of any corporation or person whatsoever lying along the
 10 route or line of any railway, and to erect and maintain snow fences thereon, subject to the payment of such land damages (if any) as may be thereafter established in the manner provided by law with respect to such railway to have been actually suffered: Provided always, that any snow fences so erected
 15 shall be removed on or before the first day of April, then next following.

Fences to be removed by company annually before 2nd April.

2. For the purpose of connecting any town, village, manufactory or manufactories, mine or mines, in the Province of Ontario, with any railway owned or worked by any railway
 20 company whose line of railway is subject to the legislation of Ontario, and for the purpose of giving increased facilities to business, it shall be lawful for any such railway company to build, make and construct sidings or branch lines not to exceed in any one case sixteen miles in length, and for that purpose
 25 every such railway company shall have all the powers given them, which at the time of the building or constructing such sidings or branch line or lines, they possess with respect to their main lines, and each and all the provisions of any act applying to the main line, shall also apply to every such siding or
 30 branch line, and the construction thereof.

Powers to make branch lines not over 16 miles.

3. Provided always that no railway company shall proceed to locate or build any branch line under this Act, until public notice shall have been given for one month in some newspaper published in the county or counties through or in which such
 35 branch line is to be made, that it is the intention of such company to apply to the Lieutenant-Governor in Council to sanction the building of such branch line, and to appropriate the necessary lands for that purpose under the compulsory powers contained in the Act or Acts relating to the main line of such
 40 company, nor unless such company shall prior to the first publication of such notice have deposited in the registry office of the county within which the line is to be constructed, the map and plans indicating the location of such branch line, nor until such company shall have submitted the same to, and such
 45 plans shall have been approved by the Lieutenant-Governor in Council, at the expiration of the notice.

Preliminaries before constructing branch lines.

4. The order of the Lieutenant-Governor in Council approving the construction of any such branch line shall limit the time not exceeding two years from the date of such order,
 45 within which such company may exercise the powers hereunder given in respect of such line.

Order in Council to limit, the time for construction.

No. 119.

3rd Session, 2nd Parliament, 37 Victoria, 1874.

BILL.

An Act to amend the Railway Act.

First Reading, 18th February, 1874.

MR. BETHUNE.

TORONTO:

Printed by HUNTER, ROSE & CO.

An Act to amend and extend the provisions of The Act incorporating the Ontario Mutual Life Assurance Company.

WHEREAS, the Ontario Mutual Life Assurance Company Preamble. have prayed for certain amendments to their Act of incorporation, passed in the thirty-second year of Her Majesty's reign, and chaptered seventeen, intituled "An Act for incorporating the Ontario Mutual Life Assurance Company."

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section four of said recited Act is hereby repealed, 32 V., c. 17, s. 4, repealed.
- 10 and the following section is hereby substituted and shall be read in lieu thereof: The said corporation shall be in law Power to acquire lands. capable of acquiring by purchase, lease or otherwise, and of holding absolutely any lands or tenements for their actual use and occupation in the course of their business, and the same
- 15 may sell, let, convey, transfer and dispose of, as to them shall seem expedient: Provided always, that nothing in this Act shall be considered as permission to hold permanently any real estate beyond the annual value of ten thousand dollars; and the corporation may also hold such real estate as shall have been *bona*
- 20 *fide* mortgaged to them by way of security, or conveyed to them in satisfaction of debts, or judgments which shall have been obtained for such debts; and it shall be lawful for the said corporation to purchase and hold for the purpose of investing Investments. therein any part of their funds or money, any of the public
- 25 securities of the Dominion of Canada, or any of the Provinces forming or to form the said Dominion, or the stock of any of the chartered banks of Canada to the amount of ten thousand dollars, or the bonds and debentures of any of the incorporated cities, towns or municipal corporations of Ontario; and also to
- 30 sell and transfer the same, and again to renew such investments when and so often as due regard to the interest of the said corporation may require; and also to make loans of the funds of the corporation on its policies, for sums not greater than their cash surrender values; or on mortgage on real estate at any
- 35 legal rate of interest, with power to receive such interest in advance or otherwise, and the same investments to call in and re-loan as occasion may require: Provided always, that no director or officer of the company shall become a borrower of any of its funds, and that all real estate mortgaged or conveyed
- 40 in security as aforesaid, shall be sold and disposed of within seven years from the time of its becoming the absolute property of the corporation.

2. Section eight of said recited Act is hereby repealed, and the following section is hereby substituted and shall be read in Sec. 8, repealed.

Manner of
fixing the pre-
miums.

lieu thereof: The directors of the said company shall deter-
mine the amount of the annual premiums to be paid by mem-
bers of the company; and in case such premiums should at
any time prove insufficient to pay the claims upon the said
company arising from extra mortality among its members, 5
the expenses of the company, and to provide a reserve fund
based on the "actuaries," rate of mortality, and a rate of
interest not exceeding five per centum, nor less than four; then
the directors shall be empowered to levy and collect a special
assessment upon all members of the company ratably on the 10
deficiency of reserve; and in case any member shall not pay
such assessment within the term specified in the notice of such
assessment, which shall have been sent from the office of the
said company by registered letter to the last known address
of such member, it shall be the duty of the directors to enter 15
or cause to be entered in a book kept for that purpose, the
amount of deficiency of reserve; and such amount so entered
shall constitute a lien on such policy, and shall bear annual
interest at a rate not exceeding seven per centum, such lien and
interest shall during the continuance of the policy be considered 20
as forming reserve fund, and on such policy becoming a claim,
the amount of such lien and interest shall be deducted from
the amount of assurance: Provided always, that at any time
during the continuance of any policy against which any lien
or liens may be entered, the policy holder shall be at liberty to 25
pay the same and accrued interest thereon in full or in part, and
in case of dividends being declared to the credit of any such
policy, the amount of such dividend or dividends shall be ap-
plied to the reduction of such lien or liens and accrued interest

Sec. 9, re-
pealed.

Reserve fund.

3. Section nine of said recited Act is hereby repealed, and 30
the following section is hereby substituted and shall be read in
lieu thereof: The premiums paid from year to year by the mem-
bers of the said company, together with the interest accruing on
investments, shall be made sufficient to pay the claims made
upon the company arising from the death of its members, and 35
the expenses of its management, and form a reserve or re-as-
surance fund computed by the "actuaries" table of mortality,
and assuming that not more than five per centum nor less than
four per centum interest, will be derived on investments, and
such reserve fund shall be invested from time to time in such 40
securities as provided for in section one of this Act.

Sec. 11, re-
pealed.

Annual meet-
ings.

4. Section eleven of said recited Act is hereby repealed, and
the following section is hereby substituted and shall be read
in lieu thereof: The said company shall hold an annual meet-
ing for the election of directors at such time in each year as 45
may appear most expedient to the board of directors, of which
meeting one month's notice shall be published in at least one
local paper and in the *Ontario Gazette*, and circular sent by
mail to the last known address of each member; and at such
annual meeting two auditors shall be appointed to audit the 50
books and accounts of the company for the next ensuing year,
and report thereon at the annual meeting following, one of such
auditors shall be elected by open vote of the members present,
and the other appointed by the president.

Sec 15, re-
pealed.

5. Section fifteen of said recited Act is hereby repealed, and 55
the following section is hereby substituted and shall be read in

lieu thereof: The election of directors shall be held and made by such members of the company as attend for that purpose in their own proper persons or by proxy, all of which proxies shall be filed with the manager at least ten days before the election at which they are to be used; but no agent or sub-agent of the company shall receive or hold proxies for voting at meetings of the said company.

Election of directors.

6. Section eighteen of said recited Act is hereby repealed, and the following section is hereby substituted and shall be read in lieu thereof: If at any time the office of any director shall become vacant by death, resignation, removal from the Province of Ontario, or absence from two successive regular meetings of the board without leave having been granted for such absence, such vacancy shall be filled for the remainder of the term by a person duly qualified, to be nominated by a majority of the remaining directors within a reasonable time after such vacancy occurs.

Sec. 18, repealed.

Vacancies of office of director, how filled.

7. Section twenty of said Act is hereby repealed, and the following section is hereby substituted, and shall be read in lieu thereof: The directors elected at such subsequent day shall have all the powers contained in this Act, as if elected on the annual day of election.

Sec. 20, amended.

8. Sub-section six of section twenty-three of said recited Act, is hereby repealed, and the following sub-section is hereby substituted and shall be read in lieu thereof: Determine the sum to be assured on the life of any person, and may re-assure in any other Life Assurance Company in the Dominion, such portion of such assurance as they may deem expedient.

Sec. 23, clause 6, amended.

9. Sub-section seven of section twenty-three of said recited Act is hereby repealed, and the following clause is hereby substituted, and shall be read in lieu thereof: Direct the making and issuing of all policies, settle and determine the terms and conditions thereof, and the form, questions, and declarations necessary in applications necessary for assurance.

Sec. 23, clause 7, amended.

10. Section twenty-three of said recited Act is hereby amended by adding thereto a further subsection: (12) Appoint of their own members, and if they deem it advisable, may include the manager, such committee or committees, with such powers, and to discharge such duties as the board may from time to time confer and impose on them, but they shall at all times, and in regard to all their actions and duties be subject to the said board of directors.

Sec. 23, amended by adding a 12th clause.

11. Section twenty-four of said recited Act is hereby repealed, and the following section is hereby substituted, and shall be read in lieu thereof: Four members of the board of directors shall form a quorum.

Sec. 24, amended.

12. Section twenty-six of said recited Act is hereby repealed, and the following section is hereby substituted, and shall be read in lieu thereof: The president of the board of directors shall have the right to vote on all questions the same as other directors, and in case of an equality of votes on any motion before the board, the motion shall be decided in the negative.

Sec. 26, amended.

Sec. 28,
amended.

Annual re-
turns.

13. Section twenty-eight of said recited Act is hereby repealed, and the following section is hereby substituted, and shall be read in lieu thereof: The directors of the said company shall make and furnish to the Lieutenant-Governor and to the Legislative Assembly of the Province of Ontario, during the first fifteen days of the first session in each and every year, a full and unreserved statement based on the last auditor's report of the affairs of the said company and of its funds, property and securities, to be verified on oath as being a true and correct abstract of the last auditor's report, showing, (1) amount of premiums received since last report; (2) value of real estate; (3) amount secured by bonds and mortgages; (4) amount invested in other securities; (5) amount of cash in hand and bank; (6) amount at risk on all policies in force; (7) amount of losses paid since last report; (8) amount of claims in suspense; (9) amount due by the company on securities given by it.

Increase in
number of
directors.

14. Notwithstanding anything contained in the tenth, twelfth, thirteenth and fourteenth sections of the said Act, the number of directors may be increased to nine at any annual meeting for the election of directors after one month's notice of such intended increase shall have been given, by a circular issued by the authority of the board, and mailed to the last known address of each member, and thereafter the board shall consist of nine directors: Before the first annual meeting after such increase in the number of directors, the directors or a quorum of them, shall determine among themselves, which one of the three additional directors shall hold office for one year, which one for two years, and which one for three years, in the manner prescribed in sections thirteen and fourteen of said Act, for the rotation of the first six directors, and one third of the number of directors shall retire annually in rotation, but shall be eligible for re-election if otherwise properly qualified.

Directors may
accept notes
for premiums.

15. The directors may if they deem it expedient accept the note of any member of the company or assignee of a policy in lieu of cash for the full amount or part of any premium; such note shall bear on its face the number of the policy against which it stands and shall be made payable within three months; such note shall bear interest at such rate as the directors shall determine; but no greater amount shall be held in any such note or notes than one annual premium, and shall form the whole or part of the reserve fund necessary to be held during the continuance of the policy, and shall be an asset of the company to the amount of such reserve, but no more.

Money owing
on policies to
be deducted
from assur-
ance.

16. Whenever a policy becomes a claim, any sum or sums of money owing or accruing due to the company in respect of unpaid premiums, or notes given therefor, or loans or otherwise on or respect of the policy, or secured thereon, and whether otherwise secured or not shall be deducted from the amount of assurance and retained by the company, and in every case the several half or quarter yearly premiums for the remainder of the current year during which the policy becomes a claim, may be so deducted and retained as aforesaid; but nothing herein contained shall make the company liable for the amount of assurance or any part of it beyond the term for which premiums are actually paid, according to the terms of such policy.

17. All Acts heretofore done, and business transacted by the said company in accordance with this Act, or the said recited Act as hereby amended, shall be held, taken and adjudged to have been lawfully done and transacted, and to be valid and effectual. Business previously transacted declared valid.

No. 120.

3rd Session, 2nd Parliament, 37 Vict., 1874.

BILL.

An Act to amend and extend the provisions
of The Act incorporating the Ontario
Mutual Life Assurance Company.

First Reading, 18th February, 1874.

(PRIVATE BILL.)

Hon. Mr. Gov.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act to incorporate The Mercantile Fire Insurance Company.

WHEREAS, Isaac Erb Bowman, M.P.; Cyrus Bowers, Esquire; John William Walden, M.D.; Jeremiah Boone

Preamble.

Hughes Esquire; John Shuh, Esquire; Elias Weber Bengeman Snider, Esquire; John Allchin, Esquire; William Oelschlager, Esquire, and Robert Melvin, Esquire, have by their petition prayed for the incorporation of a company, in the name, style, and title of "The Mercantile Fire Insurance Company," for the purpose of insuring property against loss or damage by fire or lightning, within the Province of Ontario, and it is expedient

to grant their prayer;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. All persons who now are and shall hereafter become stockholders of the said company, shall be, and are hereby ordained, constituted and declared to be a body corporate and politic in law, in fact, and in name, by the style and title of "The Mercantile Fire Insurance Company," and shall be capable in law of purchasing, holding or conveying any estate, real or personal, for the use of the said company, subject to the rules and conditions hereinafter mentioned.

Stockholders to be a body corporate, capable of holding property, etc.

2. The capital stock of the said company shall be two hundred thousand dollars, divided into two thousand shares, of one hundred dollars, which said shares shall be, and are hereby vested in the several persons who shall subscribe for the same, their legal representatives and assigns: Provided, always, that it shall and may be lawful for the said company to increase its capital stock to a sum not exceeding five hundred thousand dollars, as a majority of the stockholders, at a meeting to be expressly convened for that purpose, shall agree upon.

Capital stock to be \$200,000, and shares \$100 each.

Proviso—capital may be increased to \$500,000.

3. The property, business, and affairs of the company shall be managed by a board of not more than nine directors, one of whom shall be chosen president, and one vice-president, which board in the first instance, and until others shall be chosen, and have accepted office as hereinafter mentioned, shall consist of the persons mentioned in the preamble of this Act, as petitioners for the passing thereof; and until otherwise ordered by the said board, the said Isaac Erb Bowman shall be president, and the said John Shuh, vice-president; and such directors shall hold office until the election hereinafter provided for shall have taken place; and the said directors, or a majority of them, may cause stock books to be opened after giving due public notice thereof, upon which stock books shall be recorded the subscrip-

Board to consist of nine directors.

Provisional board.

Stock books may be opened.

tions of such persons as desire to become shareholders in the said company, under such regulations as the said directors shall direct, and such books shall be opened in the Village of Waterloo, in the County of Waterloo, and Province of Ontario, and elsewhere at the discretion of the said board of directors, 5 and shall remain open so long as they deem it necessary.

Ten per cent-
um may be
called for after
sixty days'
notice.

4. It shall be lawful for any person or persons, bodies politic or corporate, to subscribe for such and so many shares as he, she or they may think fit, and ten per centum may be called for by the said directors, as they deem it expedient, and the remainder may be called for in such instalments, not exceeding 10 ten per centum, in any period of six months, as a majority of the directors may determine upon, but such instalments shall not be called for, or become payable in less than sixty days after public notice shall have been given in the *Ontario Gazette*, 15 and in at least one newspaper published in the said Village of Waterloo, and by circular or letter addressed (post paid) to each stockholder, at his or her last known place of residence; and if any stockholder or stockholders, as aforesaid, shall refuse or neglect to pay to the said directors, or to such person or 20 persons as they may appoint, and at such place, the instalments so to be called for, due, or to become due upon any share or shares held by him, her or them, at the time and place required, such stockholder or stockholders as aforesaid, shall forfeit such share or shares as aforesaid, at the option of the said directors, 25 and such forfeited share or shares may be sold by the said directors after such notice to the holder or holders thereof, as they may direct, and the moneys arising from such sale shall be applied for the purposes of this Act: Provided, always, that the directors aforesaid shall have power to enforce such calls or 30 payments by law.

Forfeiture of
shares for non-
payment.

Shares to re-
vert to holders
on payment
before sale.

5. If payment of such arrears of calls, interest, costs and expenses, be made before any share or shares so forfeited and vested in the company shall have been sold, such share or shares shall revert to the person or persons to whom the same 35 belonged before such forfeiture, as if such calls had been duly paid.

Proof in ac-
tion for calls.

6. And it shall only be necessary to prove, in case of action for arrears of calls, that the defendant was the owner of one or more shares in the company, and that such calls were, in fact, 40 made, and that notice was given as directed by this Act, and it shall not be necessary to prove the appointment of the directors who made such calls, or any other matter whatsoever.

Company to
have power to
insure.

7. The company hereby constituted, shall have power and authority to make and effect any contract or contracts of in- 45 surance with any person or persons, bodies politic or corporate, against loss or damage by fire or lightning, or any house, store, building, ship, boat, shipping or other erection, on any goods or chattels, or personal estate whatever, under such modifications and restrictions as may be bargained or agreed upon, or set 50 forth, and to cause themselves to be reinsured against any loss or risk they may have incurred in the course of their business, and generally to do and perform all necessary matters and things connected with and proper to promote or carry out those objects: Provided always, that all such risks insured against, 55 shall be within the Province of Ontario.

8. The said company shall be in law capable of acquiring by purchase, lease or otherwise, and of holding absolutely, any lands or tenements for their actual use and occupation, in the course of their business, and may sell, let, convey, transfer, and
5 dispose of, as to them shall seem expedient: Provided always, that nothing in this Act shall be considered as permission to hold permanently any real estate, beyond the annual value of ten thousand dollars, and the said company may also hold such real estate as shall have been *bona fide* mortgaged to them by
10 way of security, or conveyed to them in satisfaction of debts or judgments which shall have been obtained for such debts, and it shall be lawful for the said company to purchase and hold for the purpose of investing therein, any part of their funds or moneys, any of the public securities of the Dominion
15 of Canada, or of any of the Provinces forming, or to form said Dominion; the stocks of any of the banks, building societies, or other chartered companies of the Dominion, and the bonds of, and debentures of any of the incorporated cities, towns, or Municipal Corporations of Ontario; and also to sell and transfer
20 the same, and again to renew such investments when, and so often as a due regard to the interests of said company may require, and also to make loans of the funds of the company on mortgage, at any legal rate of interest, with power to receive such interest in advance, or otherwise, and the same investment
25 to call in and re-loan, as occasion may require: Provided always, that all real estate so mortgaged or conveyed in security, as aforesaid, shall be disposed of within seven years from the time of its becoming the absolute property of the company.

Company may hold and transfer real estate to \$10,000.

May invest funds in stocks etc.

9. The head office of the company shall be located at the
30 Village of Waterloo, in the County of Waterloo, and Province of Ontario.

Location of head office.

10. So soon as two hundred thousand dollars of the stock of said company shall have been subscribed for and taken up, and ten per centum thereof shall have been paid into some one
35 or more of the chartered banks in the Province of Ontario, to the credit of the company, it shall and may be lawful for the shareholders to proceed to the election of directors by ballot at such time and place as the directors hereby appointed, shall appoint, giving at least thirty days' notice in
40 some newspaper published in the said village of Waterloo, and by addressing a circular notice of such meeting to each stockholder, at his or her last known place of residence, paying the postage thereon, and depositing the same in Her Majesty's post office, such meeting to take place in the said Village of Water-
45 loo, and the said directors shall be elected by a majority of the votes of the stockholders then present at such meeting, and hold office until the first annual meeting of the company shall take place, and they and all subsequently elected directors shall also be at the time of their election respectively, and dur-
50 ing their continuance in office, stockholders to the amount of not less than twenty shares of the stock of the company on which all calls due have been paid, and shall have power to choose from among themselves a president and vice-president; and said directors shall thereupon proceed by lot to divide
55 themselves into three classes of three each, who shall go out of office in rotation as hereinafter provided: Provided always, that until the said two hundred thousand dollars of stock shall

Election of new directors.

Qualification of directors.

be subscribed, and ten per centum paid thereon, and directors elected under this clause, the said company shall not take any risk, or do any business of an insurance company.

Stockholders
to have one
vote on each
share.

11. Each stockholder shall be entitled to one vote for each share of the capital stock of the company on which all calls due have been paid, which he or she or they shall have held in his, her, or their name or names at least one month prior to the time of voting, and all votes given at any meeting of the stockholders shall be given in person by the party so voting, and any proposition at such shall be decided by a majority of the votes of the stockholders present, the chairman presiding at such meeting having the casting vote in case of an equality of votes: Provided always, that no clerk or other employee of the said company shall vote at the election of directors. 5 10

Appointments
of new direc-
tors in case of
vacancy.

12. If any director shall die, resign, or in any way become disqualified or incompetent to act as a director, the remaining directors, if they think fit, may elect in his place some stockholder duly qualified to be a director, but in no event shall the number of directors be less than six. 15

Annual meet-
ing for election
directors.

13. A general meeting of the stockholders of the company shall be held at the company's head office, on such day, each and every year, as a majority of the directors may appoint, giving, at least, thirty days notice thereof, in some newspaper published in the said Village of Waterloo, and by addressing a circular notice of such meeting to each stockholder, at his or her last known place of residence, paying the postage thereon, and depositing the same in Her Majesty's post office, at least ten days before such meeting, and at such meetings the three directors, whose names stand first on the list of directors, shall be held to vacate their seats, and the stockholders present at such meeting shall proceed to elect, by ballot, three directors to serve for the ensuing three years, who shall, upon election, be placed at the bottom of the roll: Provided always, that each retiring director shall be eligible for re-election. 20 25 30

Annual state-
ment to be sub-
mitted to stock-
holders.

14. At the annual meeting of the company, and before the stockholders there assembled, the directors shall exhibit a full and unreserved statement of the affairs of the company, of the funds, property, and securities, showing the amount in real estate, and mortgages and other securities, or public debt or other stock, and the amount of debt due to and by the said company, together with a list of the stockholders of the company, and the number of shares held by each, and whether any calls upon such shares are in default or not. 35 40

Company not
dissolved by
neglecting to
elect directors.

15. If it shall happen, from any cause, at any time, that an election of directors shall not take place at the proper time and place, pursuant to this Act, the said company shall not for that cause be deemed to be dissolved, but it shall be lawful on any other day, after due notice, to hold and make an election of directors, as shall have been regulated by the by-laws or ordinances of the company, and the directors in office shall so continue until a new election shall be made. 45 50

Power to make
by-laws for
management

16. Any number of the directors of the company, being a majority thereof, shall have full power and authority to make,

- prescribe, and alter such by-laws, rules, or ordinances, and regulations, as shall appear to them right, proper and needful, touching the government, management, and well-order of the company, its business affairs, servants, and agents; the rates and amounts of insurance; the issuing of policies; the management and disposition of its stock, property, estate, and effects; and also to call in any instalment or instalments of the subscribed stock thereof, at such times or seasons, and in such manner as they may see fit, giving due notice thereof, as hereinbefore provided, and subject to the restrictions herein imposed; and also to declare and cause to be paid or distributed to the respective stockholders of the company any dividend or dividends of profit, at such times and seasons as they shall deem expedient; and also to appoint a managing director, secretary, treasurer, and other officers, or any of them, with such salary or allowance to each, as may be thought reasonable, and be agreed upon, and to take security, for the due performance of their respective duties; as such directors shall think advisable: Provided always, that for the purposes in the section mentioned, a majority of the directors shall be present, except as hereinafter specially mentioned.

17. There shall, as may be fixed by the by-laws of the company, be a weekly, monthly or semi-monthly meeting of the board of directors of the said company, and any three or more of the directors shall be a quorum, for the purpose of managing and transacting the details of the business and affairs of the company; and at all meetings of the board of directors all questions before them shall be decided by a majority of the voices or votes, and in case of an equality of votes, the president, vice-president or presiding director, shall give the casting vote over and above his proper vote as a director; Provided always, that nothing in this section contained shall authorize interference with any matter elsewhere in this Act specially provided for.

Directors to fix board meetings and three to be a quorum

18. The directors for the time being shall receive a reasonable compensation for their attendance at the board, to be paid out of the funds of the company, and to be ascertained and determined by a by-law or rule of the board, and the said directors shall not be answerable for or chargeable with the defaults, neglects or misdeeds of others of them.

Compensation to directors for their attendance at board meetings

19. All policies, deeds, cheques, mortgages, leases, bonds and other investments issued or entered into by the said company, shall be signed by the president, vice-president or managing director, and countersigned by the secretary or other officer of the company, as may be by said directors from time to time ordered and agreed upon by by-law or ordinance of the company, in the absence of such persons, and being so signed and countersigned and sealed with the corporate seal of the company, shall be binding upon the company according to the tenor and meaning thereof.

Policies &c. to be signed and sealed

20. No transfer of any share of the company shall be binding or valid until entered in the books of the company according to such form as the directors shall from time to time appoint and determine upon, and until the whole of the capital stock of the company is paid up, it shall be necessary to obtain the consent of the directors to such transfer being made; Provided

Transfer of shares not binding until entered in books and approved by directors, if not paid in full.

vided always that no stockholder indebted to the company shall be permitted to make a transfer, or receive a dividend or vote on his stock until such debt is paid or secured to be paid to the satisfaction of the directors.

Company not bound to see to the execution of any trust

21. The company shall not be bound see to the execution of any trust whether express implied or constructive in respect of any share; and the receipt of the stockholder, his attorney or agent in whose name the same may stand in the books of the company, shall be a valid and binding discharge to the company for any dividend or money payable in respect of such share, and whether or not notice of such trust has been given to the company, and the company shall not be bound to see to the application of the money paid upon such receipt. 5 10

Executors &c., may vote

22. Every executor, administrator, tutor, curator, guardian or trustee, shall represent the stock in his hands at all meetings of the company, and may vote accordingly as a shareholder. 15

Stockholders to be liable to the amount of stock

23. Every stockholder shall be individually liable to the company and to the creditors thereof, for an amount equal to the amount unpaid on the stock held by him, her or them, for the debts and liabilities thereof, and for no other or further amount or liability. 20

No dividends to be paid from stock

24. No dividend shall be paid out of stock, and none shall be paid except from the genuine net profits of the company, its business and investments. 25

Penalty for paying dividend when company is insolvent

25. If the directors of the company declare and pay any dividend when the company is insolvent, or any dividend the payment of which renders the company insolvent, or diminishes the capital stock thereof, the directors declaring such dividend shall be jointly and severally liable as well as to the company as to the individual shareholders and creditors thereof, for the amount of the dividend or dividends so paid; but if any director present when such dividend is declared, do forthwith, or if any director then absent do, within twenty-four hours after he shall have become aware thereof and able to do so, enter in the minutes of the board of directors his protest against the same, and do within eight days thereafter, publish such protest in at least one newspaper, published at or as near as may be possible to the head office of the company, such director may thereby and not otherwise, exonerate himself from such liability. 30 35 40

Forfeiture of Act

26. This present Act shall in no wise be forfeited for non-user at any time before the first day of January, one thousand eight hundred and seventy-eight.

An Act respecting public aid towards making Gaol additions and alterations.

WHEREAS, it was by the twenty-first section of the "Prison and Asylum Inspection Act" of the late Province of Canada, being chapter one hundred and ten of the Consolidated Statutes of Canada, provided, that in order to aid the County Councils in Upper Canada in making the alterations and additions prescribed in the said Act, in the gaols of their respective counties, that the Governor of the Province of Canada might pay from out of the Upper Canada Building Fund, to the treasurer of each county, a sum not exceeding one half of the expense of the same, and not exceeding the sum of six thousand dollars for any one county; And whereas, by an Act passed in the thirty-first year of Her Majesty's reign, and chaptered seven, the said Prison and Asylum Inspection Act was repealed; and whereas, previous to the repeal of the said recited section, various County Councils in Ontario were aided under the provisions thereof; And whereas, other county councils which have not been so aided, have made alterations and additions in their gaols, in order to meet the requirements of the said Act, and of the "Prison and Asylum Inspection Act" of Ontario, and alterations and additions are required by other gaols in this Province, in counties which have not received aid under the said section, and it is desirable to revive the said section in order to place the various counties in Ontario on an equal footing, and is also desirable to amend the "Prison and Asylum Inspection Act" of Ontario, aforesaid;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. *In order to aid the County Councils in Ontario, in making the alterations and additions required by law in the gaols of their respective counties, the Lieutenant-Governor in Council may, by Order in Council, direct that out of the Consolidated Revenue Fund of Ontario, there shall be paid to the treasurer of each such county, which has not been aided under the said, the "Prison and Asylum Inspection Act" of the late Province of Canada, a sum not exceeding one-half of the expense of making such alterations or additions, and not exceeding the sum of six thousand dollars for any one county.*

Aid to County Councils for alterations to gaols.

2. The preceding section shall be construed as if the same had on the twenty-eighth day of February, in the year of our Lord one thousand eight hundred and sixty-eight, being the date of the repeal as aforesaid of said section twenty-one of chapter one hundred and ten of the Consolidated Statutes of Canada, been passed to take effect in lieu of the said section so

Construction of preceding section.

Orders in
Council to be
submitted to
the Legislative
Assembly.

repealed; but every such order in council made under said preceding section shall, as soon as conveniently may be, after the making thereof, be laid before the Legislative Assembly for its ratification or rejection, and no such order shall be operative unless and until the same shall have been ratified by a resolution of said Legislative Assembly. 5

3rd Session, 2nd Parliament, 37 Victoria, 1874.

BILL.

An Act respecting public aid towards making Gaol additions and alterations.

First Reading, 20th February, 1874.

Hon. Mr. FRASER.

TORONTO:
PRINTED BY HUNTER, ROSE & CO.

An Act for the Prevention of the Adulteration of
Fermented and Spirituous Liquors.

WHEREAS, the practice of adulterating fermented and spirituous liquors for sale, in fraud of Her Majesty's subjects of this Province, and to the great injury of their health, requires to be repressed by more effectual laws than those which are now in force for that purpose ;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Every person who shall wilfully admix, and every person who shall order any other person or persons to admix, or who shall in any way cause to be admixed with any fermented or spirituous liquors, any injurious or poisonous ingredient or material, to adulterate the same for sale, shall, for the first offence, forfeit and pay a penalty not exceeding together with the cost attending such conviction ; and for the second and every other subsequent offence, shall be guilty of a misdemeanor, and be imprisoned for a period not exceeding

Penalty for
adulterating
fermented or
spirituous
liquors.

2. Every person who shall sell any fermented or spirituous liquors with which, to the knowledge of such person, any ingredient or material injurious to the health of the persons who may use the same has been mixed, and every person who shall sell as unadulterated any fermented or spirituous liquor which is adulterated, shall, for every such offence, on a summary conviction of the same, forfeit and pay a penalty not exceeding together with costs attending such conviction, and if any person so convicted shall afterwards commit the like offence, the convicting magistrate shall cause such offender's name, place of abode, and offence to be published at the expense of such offender, in such newspaper, or in such manner as to the said magistrate shall seem desirable.

Penalty for
selling adulte-
rated spiritu-
ous liquors.

3. Any person who shall sell any fermented or spirituous liquors, knowing the same to have been mixed with any other substance with intent to increase the quantity thereof, and who shall not declare such admixture to any purchaser thereof before delivering the same, shall be deemed to have sold an adulterated article under this Act.

Admixture
with intent to
increase
quantity.

4. Every penalty or forfeiture imposed by this Act shall be recoverable by any person suing for the same, in a summary way, before any two justices of the peace, or police magistrate, in ordinary or other sessions ; and shall in default of payment, be levied by warrant of distress to be issued by said justices or

Penalties, how
enforced.

police magistrate, against the goods and chattels of the offender ; and in case of a return of *nulla bona* to the said warrant of distress, the offender shall, upon the warrant of said justices or police magistrate, be imprisoned for the space of

Appointment
of analysts.

5. The council of any city, town, township, or incorporate village, may appoint one or more persons possessing competent medical, chemical, and microscopical knowledge, as analysts of fermented or spirituous liquors, within the said incorporation, and shall pay to such analysts such salary or allowance as they may think fit. 5 10

Inspector of
taverns may
procure
samples for
analysis.

6. The inspector of taverns, or such other person as the council of any city, town, township, or incorporate village may appoint, [shall procure and submit samples of fermented or spirituous liquors suspected to be adulterated, to be analyzed by the analysts appointed under this Act, and shall, upon receiving a certificate stating that the articles are adulterated, cause a complaint of the offence against this Act, by the party selling or adulterating the same, to be made before a justice of the peace or police magistrate, and thereupon, such justice or magistrate shall issue a summons requiring the seller to appear before two justices of the peace, or such police magistrate, and answer to such complaint ; and such summons shall be served by delivering the same, or a true copy thereof, upon the premises where such samples were obtained or sold ; and the expense of such prosecutions, if not ordered to be paid by the party complained against, shall be deemed part of the expense of executing this Act. 15 20 25

Report of
analysts.

7. The analysts appointed under this Act shall report to the convicting justice or justices, and specify the nature and kind of adulterations detected in such article. 30

Purchaser
may have
liquors
analyzed.

8. Any purchaser of fermented or spirituous liquor, where there is any analyst appointed under this Act, shall be entitled on payment to the inspector or inspectors, appointed under this Act, of a sum not less than or more than which shall be accounted for to the local authority appointing such inspector or inspectors, to have any such article analyzed by any analyst who may be appointed, and to receive from such analyst a certificate of the result of his analysis, specifying whether, in his opinion, such article is adulterated, and if adulterated, if injurious to the health of any person who might use the same, and such certificate, duly signed by such analyst, shall, in the absence of any evidence before the court to the contrary, be sufficient evidence of the matters therein certified, and the sum so directed to be paid for such certificate shall be deemed part of the costs. 35 40 45

Samples of
liquors
analyzed to
be kept.

9. All articles of fermented or spirituous liquors to be analyzed by the analysts appointed under this Act, shall be received by the inspectors appointed by the local authorities, and from such articles, samples shall be taken and sealed in the presence of the analyst, by the inspectors, to be returned by them and produced in case the justice or justices shall order other analyses to be made. 50

Expenses, how
defrayed.

10. The expense of executing this Act shall be paid out of the local funds of the municipality in which such information shall be laid. 55

Before the first meeting of the Board of Directors, the Board shall select a committee to study and report to the Board on the feasibility of the proposed project.

1. The Board shall have the authority to make any and all contracts, leases, agreements, and other arrangements necessary for the operation of the project.

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14. The Board shall have the authority to make any and all contracts, leases, agreements, and other arrangements necessary for the operation of the project.

15. The Board shall have the authority to make any and all contracts, leases, agreements, and other arrangements necessary for the operation of the project.

No. 123.

3rd Session, 2nd Parliament, 37 Victoria, 1874.

BILL.

An Act for the Prevention of the Adulteration of Fermented and Spirituous Liquors.

First Reading, 24th February, 1874.

Mr. SCOTT.

TORONTO:

PRINTED BY HUNTER, ROSE & CO.

BILL.**An Act to provide for allowances to Trustees
Executors and Administrators.**

HER Majesty, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows :—

1. The term trustee shall include any trustee under a deed,
5 settlement, or will, and executors and administrators, and any
guardian appointed by any court and a testamentary guardian.
Construction
of the word
trustee.
2. A trustee shall be entitled to such fair and reasonable
allowance for his care, pains, and trouble, and his time expended
in and about the trust estate as may be allowed by the Court
10 of Chancery, or a judge or master thereof, to whom the same
may be referred.
Allowance to
trustees.
3. It shall be lawful for a judge of the Court of Chancery
on application to him for that purpose, to settle the amount of
such compensation, although the trust estate is not before the
15 court in any suit.
Allowance
may be made
in chancery
though the es-
tate not before
the court.

BILL.

An Act to provide for allowances to Trustees, Executors, and Administrators.

First Reading, 25th. February, 1874.

MR. BETHUNE.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act to prevent Fraud and Fraudulent Practices upon, or by Hotel Keepers, Tavern Keepers and others.

WHEREAS, it is expedient to provide by law for the punishment of fraud and fraudulent practices committed upon, or by hotel keepers, tavern keepers, and innkeepers ;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

- 1.** From and after the passing of this Act, every person who shall at any hotel, inn, or tavern, order and receive, or cause to be furnished, any food, refreshment, lodging, attendance or accommodation, with intent to defraud the owner or proprietor or keeper of such hotel, inn, or tavern, out of the value or price of such food, refreshment, lodging, attendance or accommodation, and every person who shall obtain credit at any hotel, inn, or tavern, by the use of any false pretence, statement, representation or device ; or by depositing at such hotel, inn, or tavern, any baggage or property of value less than the amount of such credit or of the bill by such person incurred ; and any person who, after obtaining credit or accommodation at any hotel, inn, or tavern, shall not pay for the same, or shall abscond from such hotel, inn, or tavern, or shall surreptitiously remove his baggage or property therefrom, shall be guilty of an offence under this Act, and on conviction thereof, incur and be liable to a penalty of not less than five dollars, or more than twenty dollars with costs.
- 2.** Every keeper of a hotel, inn, tavern, restaurant or boarding house, where transient guests are accommodated with food, refreshments or lodging, shall post and cause to be kept conspicuously posted in the office, public rooms and passages, and in every bed-room in such hotel, inn, tavern, restaurant or boarding house, a printed copy of this Act, and a list or statement of the charge of rates of prices to guests by the day, and for meals or items furnished, and for lodging ; no charge or sum shall be collected or received by any such person for any service not actually rendered, or for any item not actually delivered, or for a longer time than the person so charged actually remained at such place ;
- For any violation of this section the offender shall, on conviction, forfeit to the injured party three times the amount so charged, and shall not be entitled to receive any money or payment for the meals, items, services or accommodations charged, and shall, in addition, be liable to the penalty in the last clause mentioned ; and for any violation of this section, other than for
- Persons defrauding tavern keepers made liable to penalty.
- Tavern keepers, etc., to post up copies of this Act, and tariff of charges.
- No charge to be made for services, etc., not had.
- Penalty for violation of this section.

an overcharge, the offender shall, on conviction, be liable to the penalty and costs aforesaid.

Lien on baggage, etc., for accommodation, etc., furnished, and power to sell.

3. Every keeper of a hotel, inn, or tavern, shall have a lien on the baggage and property of each guest to the value or price of such food, refreshment or accommodation furnished to such guest; and in addition to the other remedies provided by this Act, shall have the right to sell by public auction the baggage and property of any guest indebted to him, by giving one week's notice by advertisement in any newspaper published nearest to where such hotel, inn, or tavern is situated, of such intended sale, and stating the name of the guest so indebted, the amount of indebtedness, a description of the baggage, or other property to be sold, the time and place of sale, and the name of the auctioneer; and after sale, such keeper may apply the proceeds in payment of the amount due him and the costs of such advertising and sale, and shall pay any overplus to such guest on application being made by him therefor.

Tavern keepers, etc., absolved from liability as to property of guests under certain circumstances.

4. No keeper of a hotel, inn, or tavern, shall be or be held responsible for or liable to pay the amount, or value of any money, valuables, baggage or property of any kind whatsoever, brought by any guest to his house and which may be lost, stolen, or damaged during the stay of such guest therein, unless such money, valuables, baggage or other property shall have been delivered to the custody and charge of such keeper for safe keeping, or to the custody and charge of the manager, clerk, book-keeper, or to some person in charge and authority in such house for such keeper, and who, on such delivery, assumed and undertook such custody and charge, nor unless such guest shall, on such delivery, obtain from the person to whom such delivery is made, a receipt or cheque therefor in the name of such keeper, assuming such care and custody, nor unless such money, valuables, baggage or other property shall have been in the room of such guest and shall have been lost or stolen therefrom, or damaged therein in the absence of such guest from said room, and whilst the room and its contents was in the charge of such keeper, his servants or agents.

Prosecutions and procedure.

5. All prosecutions under this Act for the recovery of penalties, may be brought and heard before any one or more of Her Majesty's justices of the peace in and for the county where the forfeiture took place, or the penalty was incurred, or the offence was committed, or wrong done, and in cities and towns in which there is a police magistrate, before the police magistrate; and the procedure shall be that of justices out of sessions in relation to summary convictions and orders; and all the prosecutions shall be commenced in two months after the commission of the offence or the cause of action arose, and not afterwards.

Any one may prosecute. Witness not incompetent by reason of being entitled to the penalty. Penalties, to whom to be paid.

6. Any person may be the prosecutor or complainant in prosecutions under this Act; and no person otherwise competent shall be rendered incompetent as a witness by reason of his being entitled to any portion of a penalty sought to be recovered.

The penalties in money in this Act mentioned, or any portion of them which may be recovered, shall be paid to the convicting justice or justices in the case immediately on such conviction.

- tion being made where no appeal has been perfected according to law, and by him or them paid equally one half to the prosecutor or complainant, and the other to the treasurer or chamberlain of the municipality wherein the offence was committed
- 5 and the cause of action arose; and for the recovery of the said penalties and legal costs upon and after conviction, it shall and may be lawful for any justice or justices to issue a warrant of distress to any constable or peace officer against the goods and chattels of the person or persons convicted, and in the meantime
- 10 and until the return of such warrant of distress may detain in custody, or take bail for the appearance of the person or persons so convicted; and in case no sufficient distress be found to satisfy the said conviction, then it shall and may be lawful for the said justice or justices to order by warrant under their hand
- 15 and seal that the person or persons so convicted be imprisoned in any common gaol within the county in which such conviction was made, for a period not exceeding thirty days, with or without hard labour, unless the penalty and all costs be sooner paid.
- 20 **7.** Any conviction under this Act may be appealed from to the Court of General Sessions of the Peace, under the provisions of the Act relating to the duties of justices of the peace out of sessions, in relation to summary convictions and orders and amendments thereto. Appeal to General Sessions.
- 25 **8.** This Act may be cited as "The Hotel Keepers' Act of 1874." Short title.

BILL

An Act to prevent Fraud and Fraudulent
Practices upon or by Hotel Keepers,
Tavern Keepers, and others.

1st Reading, 25th February, 1874.

MR. MEREDITH.

TORONTO:
PRINTED BY HUNTER, ROSE & CO.

An Act to amend the Law respecting the liability of
Innkeepers, to prevent Frauds on them,
and for other purposes.

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows :

1. Every innkeeper, boarding house keeper and lodging
5 house keeper shall have a lien on the baggage and property of
his guest, boarder, or lodger, for the value or price of any food,
refreshment or accommodation furnished to such guest, boarder,
or lodger, and in addition to all other remedies provided by
law, shall have the right in case the same shall remain unpaid for
10 three months, to sell by public auction the baggage and pro-
perty of such guest, boarder, or lodger, on giving one week's
notice by advertisement in a newspaper published in the mu-
nicipality in which such inn, boarding house, or lodging house
is situate, or in case there shall be no newspaper published in
15 such municipality, in a newspaper published nearest to such
inn, boarding house, or lodging house, of such intended sale,
stating the name of the guest, boarder, or lodger, the amount of
his indebtedness, a description of the baggage or other pro-
perty to be sold, the time and place of sale, and the name of
20 the auctioneer ; and after such sale such innkeeper, boarding-
house-keeper, or lodging-house-keeper may apply the proceeds
of such sale in payment of the amount due to him, and the
costs of such advertising and sale, and shall pay over the sur-
plus (if any) to the person entitled thereto on application be-
25 ing made by him therefor.

2. No innkeeper shall, after the passing of this Act, be liable
to make good to any guest of such innkeeper, any loss of, or injury
to goods or property brought to his inn, not being a horse or
other live animal, or any gear appertaining thereto, or any
30 carriage to a greater amount than the sum of twenty (20) dollars,
except in the following cases, that is to say :

(1.) Where such goods or property shall have been stolen, lost,
or injured through the wilful act, default, or neglect of such inn-
keeper, or any servant in his employ.

35 (2.) Where such goods or property shall have been deposited
expressly for safe custody with such innkeeper : Provided always,
that, in case of such deposit, it shall be lawful for such innkeeper
if he think fit, to require as a condition of his liability, that such
goods or property shall be deposited in a box or other recep-
40 tacle, fastened and sealed by the person depositing the same.

3. If any innkeeper shall refuse to receive for safe custody, as before mentioned, any goods or property of his guest, or if any such guest shall, through any default of such innkeeper, be unable to deposit such goods or property, as aforesaid, said innkeeper shall not be entitled to the benefit of this Act, in 5 respect of such goods or property.

4. Every innkeeper shall cause to be kept conspicuously posted in the office, and public rooms, and in every bedroom in his inn, a copy of the second section of this Act, printed in plain type, and he shall be entitled to the benefit of the said section 10 in respect of such goods or property as shall be brought to his inn while such copy shall be so posted.

5. In the construction of this Act the word "inn" includes an hotel, inn, tavern, public-house, or other place of refreshment, the keeper of which is now by law responsible for the 15 goods and property of his guests, and the word "innkeeper" means the keeper of any such place.

BILL.

An Act to amend the law respecting the liability of Innkeepers, to prevent certain Frauds on them, and for other purposes.

(Re-printed as Amended.)

1st Reading, 23rd March, 1874.

MR. MEREDITH.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act to amend chapter forty of the Act passed in the thirty-sixth year of the reign of Her Majesty Queen Victoria, intituled "An Act for the Improvement of Water Privileges."

WHEREAS it is expedient to amend the Act passed in the thirty-sixth year of the reign of Her Majesty Queen Victoria, chaptered forty, and intituled "An Act for the Improvement of Water Privileges;"

5 Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section one of the said Act is hereby amended by adding to the end thereof the following proviso:—Provided that any
10 such owner may in like manner acquire title to any such lands for any of the purposes aforesaid, although he may be at the same time in the actual possession, occupation, or use thereof; and may also acquire any lands necessary for any of the purposes named in the said section.

36 Vic., c. 40,
amended as to
acquisition of
land.

BILL.

An Act to amend chapter forty of the Act passed in the thirty-sixth year of the reign of Her Majesty Queen Victoria, intituled "An Act for the Improvement of Water Privileges."

1st Reading, 25th February, 1874.

(*PRIVATE BILL.*)

MR. FAREWELL.

TORONTO:

PRINTED BY HUNTER, ROSE & CO.

An Act to make valid certain sales of land for Taxes, in junior counties, and in towns not separated from counties.

WHEREAS, in various towns not separated from the jurisdiction of the counties in which they are situated, proceedings have been taken for the collection of taxes under the provisions of the "Assessment Act of Upper Canada," instead of under "The Assessment Act of 1869," and in consequence thereof, sales of lands for arrears of taxes have been made by the treasurers of the counties instead of by the treasurers of the towns: And whereas, after the separation of counties previously united, proceedings in respect of arrears of taxes due upon lands in the former junior county have, in various cases, been taken in the senior county, and sales have been made, by the officers of the senior county; And whereas, by reason of the irregularities aforesaid, the validity of the said sales may be questioned; and it is expedient to make valid the said sales and other proceedings to the extent hereinafter declared;

Preamble.

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Where any land situate in a town not withdrawn from the county in which it is situated, has been heretofore sold for arrears of taxes, and a deed therefor has been, or shall be hereafter, executed by the treasurer and warden of the county in which the town is situated, or where any land situate in a junior county has been heretofore sold for arrears of taxes at a sale conducted in the senior county, after the separation of such counties, and a deed therefor has been, or shall be hereafter, executed by the warden and treasurer of the senior county, every deed so executed shall be, to all intents and purposes, valid and binding, except as against the Crown, if the same has not been questioned before some Court of competent jurisdiction by some person interested in the land so sold, within two years after the passing of this Act.

2. Where a sale has been made under the circumstances in the first section of this Act set forth, and a deed to the purchaser has not been executed, and if within one year from the day of the sale, exclusive of that day, the owner or some other person has not redeemed the land by paying or tendering to the treasurer of the county for the use and benefit of the purchaser or his legal representatives the sum paid by him, together with ten per centum thereon, then in such case on the demand of the purchaser, or his assigns, or other legal representative at any time afterwards, and on payment of one dollar, the

Certain sales made valid where no conveyance made unless land redeemed.

treasurer of the county in which the sale took place shall prepare, and with the warden of such county execute and deliver to him or them a deed in duplicate of the land so sold.

Past and pending actions provided for,

This Act not to aid the Assessment Act of 1869.

3. Nothing herein contained shall affect any action or suit heretofore brought in any court of law or equity, or make valid any deed, the validity of which is or has been questioned in any such action or suit, or aid in the construction of the said Assessment Act of 1869 in any question arising in any such action or suit. 6

4. The provisions of sections nine, ten, eleven and thirteen of the Act passed in the thirty-third year of the reign of Her Majesty, and chaptered twenty-three, shall apply to the sales hereintofore mentioned, as if such sales had been among those enumerated in the said ninth section. 10

No. 127.

3rd Session, 2nd Parliament, 37 Victoria, 1874.

BILL.

An Act to make valid certain sales of Land, for taxes in towns not separated from counties.

First Reading, 25th February, 1874.

Hon. Mr. PARDEE.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

No. 128.]

BILL.

[1874.

An Act to amend and extend the Registration of Titles (Ontario) Act.

HER Majesty, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows:—

1. All instruments registered prior to the first day of January,
5 one thousand eight hundred and sixty-six, may be deposited in
the registry office of the county wherein the land is situated. Instruments
re-istered
before 1st Jan.
1866, may be
deposited in
the registry
office.
2. Such instruments shall be so deposited by the production
thereof, with the original registration certificate endorsed there-
onto the registrar, with an affidavit endorsed thereon or securely
10 attached thereto, and the said instrument shall be deposited by
the registrar filing the same among the records of his office, and
entering the fact thereof in the margin of the original memorial,
and also in the margin of the record thereof. Requisites on
depositing.
3. The affidavit above required shall be in the form or to the
15 effect of form "A" to this Act, and may be made by the person
entitled to the possession of the said instrument, more fully men-
tioned in section . . . of this Act. Affidavit on
depositing.
4. The entry to be made by the registrar shall be in the
following form, "Original deposited by A B this . . . day
20 of . . . at . . . as No. . . " Entry on
depositing.
5. The registrar or deputy registrar of the county in which
the lands are situate, shall upon production to him of the said
instrument and affidavit, enter the said instrument in the order
in which it is received, and he shall file the same with such
25 affidavit, and he shall endorse a certificate on every such in-
strument, and shall therein mention the certain year, month,
day, hour and minute in which such instrument is entered and
deposited, expressing also in what book the memorial thereof
has been entered, and the number of registration for the pur-
30 pose of deposition, and the said registrar shall sign the said cer-
tificate when so endorsed, which certificate shall be taken and
allowed as evidence of such respective depositions in all courts
of record. Duty of regis-
trar on de-
positing.
6. When an instrument is deposited, the registrar shall de-
35 liver a certified copy or copies thereof as may be required of
him, including all certificates and affidavits connected therewith,
under his signature and seal of office, in which certificate he
shall declare the time, place, and other particulars of deposition
as in cases of registration, and he shall also declare that the
Copies and
certificates as
to instruments
deposited.

copy which he so delivers is a true copy of such instrument and of the documents connected therewith, and that the original has been duly deposited in his office according to the statute in that behalf.

Certified copies
may be
deposited.

7. Every such certified copy may be deposited in any other registry office by deposit thereof, without production of the original instrument, and without proof of any kind other than the production of the copy so certified as aforesaid. 5

Certified copies
as evidence.

8. Every such certified copy shall be received in all cases in place of the original, as *prima facie* evidence of the original instrument: Provided always, that notice has been given in the manner set forth in section fifty-one of the Registration of Titles (Ontario) Act. 10

Instruments
deposited to be
entered in
abstracts.

9. The deposition of instruments under this Act shall be entered in all abstracts of title of the specific parcel of land comprised therein. 15

In cases
wherein a por-
tion only of
lands com-
prised in a
conveyance
have been con-
veyed, the
custodian to
deposit.

10. In all cases where a portion of the lands comprised in any instrument shall have been sold and conveyed, and such original instrument shall be registered by memorial only, the person, corporation or company making such sale, their heirs, executors, administrators or assigns, agents, attorneys or successors having the custody of such original instrument shall, within three months after, demand in writing from any person or persons entitled to any portion of the lands comprised therein, and claiming the same through such original instrument and not by any adverse title, and payment or tender of the sum of five dollars and the registrar's fees for depositing and furnishing a certified copy of such instrument, deposit the same under the provisions of this Act; and in the case of refusal by such person, corporation or company, their heirs, executors, administrators or assigns, agents, attorneys or successors, for three months after such demand in writing, and payment or tender to deposit the said instrument when required by any person entitled so to do, he or they shall incur a penalty of twenty dollars for each and every calendar month, the said instrument remains undeposited, which penalty may be recovered by any person complaining in any division court in the county in which such lands are situated, in like manner as a common debt: Provided that this section shall not apply to grants from the Crown. 20 25 30 35

Penalty on
refusal.

This Act to be
read as Part
of the
Registry Act.

11. This Act shall be read and taken as part of the said Registration of Titles (Ontario) Act, and the several clauses thereof shall apply to this Act. 40

FORM "A."

(Section 3.)

CANADA.

Province of Ontario, }
County of York, } I of
To Wit. } make oath and say:

1. That I am the holder of (*describe the instrument.*)

2. That I claim possession of the said instrument, (as owner of the whole or part of the land comprised therein), or (as attorney or agent of A B, the owner of the whole or any portion &c.)

3. Such instrument was delivered to me by _____ the same has not been altered in any way while in my possession, nor to my knowledge or belief before I received the same; and I believe the same to be the original instrument registered as number _____ in the County of _____

No. 128.

3rd Session, 2nd Parliament, 37 Victoria, 1874.

BILL.

An Act to amend and extend the Registration of Titles (Ontario) Act.

First Reading, 25th February, 1874.

MR. BETHUNE.

TORONTO:

PRINTED BY HUNTER, ROSE & CO.

No. 129.]

BILL.

[1874.

An Act respecting the Municipal Franchise.

HER Majesty, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows :—

1. Hereafter real property shall constitute the basis on
5 which electors shall vote at municipal elections, and on municipi-
pal by-laws respecting the creation of debts. Real property
to be qualifica-
tion for voting.
2. In addition to the votes to which electors are now entitled
at such elections, and on votes upon such by-laws, they shall be
entitled to the following additional or plural votes, in propor-
10 tion to the amount of real property for which they may be
assessed, real property over and above the sum of four hundred
dollars. Additional
votes
3. Hereafter, women of age, being subjects of Her Majesty,
and possessed of real property of the proper amount, shall have
15 the right to vote at municipal elections, and on municipal by-
laws for the creation of debts, and at school elections. Women to
have right of
voting
4. This Act shall not come into force until the first day of
January, in the year of our Lord, one thousand eight hundred
and seventy-five. When Act to
come into
force

BILL.

An Act respecting the Municipal Franchise.

1st Reading, 27th February, 1874.

Hon. MR. CURRIE.

TORONTO:

PRINTED BY HUNTER, ROSE & CO.

BILL.

An Act respecting the Solemnization of Marriages.

HER Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

1. All marriages which have before the passing of this Act, Marriages before passing of this Act legalized.
5 been celebrated within the Province of Ontario or within Upper Canada, by any person legally authorized to marry, between persons not under any legal disqualification for entering into the contract of matrimony, are hereby declared to have been and to be lawful and valid so far as respects the civil rights, in this
10 Province, of the parties or their issue, and so far as respects all matters within the jurisdiction of the Ontario Legislature, notwithstanding that the banns were not published for the number of times, or at the place or time, or in the manner required by law, or that there was any other defect in the publication of the
15 banns, or that no banns were published ; or, notwithstanding that there was any defect in the marriage license, or that the marriage was celebrated without license : Provided that the parties thereafter lived together, and cohabited as husband and wife, and that the validity of the marriage has not hitherto been
20 questioned in any suit at law or in equity.

2. In case of an intended marriage after publication of banns, and without a license or a certificate under this Act, it shall not henceforward be necessary that banns be published on more than one Sunday ; and it shall be sufficient, if the intention of
25 the two persons to intermarry be proclaimed once, openly, and in an audible voice, in some church, chapel, meeting house, or place of public worship of the congregation or religious community with which the minister or clergyman who performs the ceremony is connected, in the local Municipality where one of the
30 parties has, for the space of fifteen days immediately preceding, had his or her usual place of abode, such proclamation to be on a Sunday, immediately before the service begins, or immediately after it ends, or at some intermediate part of the service.

3. A certificate in the form given in Schedule A to this Act Certificate instead of license.
35 may at the option of the applicant, be substituted for the marriage license heretofore required ; and a certificate under this Act shall have the same legal effect as a license.

4. Such certificate or license shall hereafter be issued from the office of the Provincial Secretary, and shall be furnished to per-
40 sons requiring the same by such persons as the Lieutenant-Governor in Council shall name for that purpose. A license shall be under the hand and seal of the Lieutenant-Governor. Marriage licenses to be issued by Prov. Sec. and signed by Lieut.-Gov.

Affidavit of
party before
license is
granted.

5. Before any certificate or license is granted by any person so named, one of the parties to the intended marriage shall personally make oath before the person who is to grant the certificate or license, that he or she believes that there is no affinity, consanguinity, precontract, or other lawful cause, or legal impediment, to bar or hinder the solemnization of the marriage, and that one of the parties has for a space of fifteen days immediately preceding the issue of the certificate or license had his or her usual place of abode within the municipality where the marriage is to be solemnized; and, in case either of the parties, not being a widower or widow, is under the age of twenty-one years, that the consent of the person whose consent to the marriage is required by law has been obtained thereto: Provided always, that if there is no person having authority to give such consent, then, upon oath made to that effect by the party requiring the certificate or license, it shall be lawful to grant the certificate or license notwithstanding the want of any such consent. The affidavit may be in the form set forth in Schedule B to this Act.

Persons whose
consent to
marriage of a
minor is to be
obtained.

6. The father, if living, of any party under twenty-one years of age (not being a widower or widow); or, if the father be dead the guardian or guardians of the person of the party so under age, lawfully appointed, or one of the guardians, if there are more than one; or, in case there is no such guardian, then the mother of the minor, if the mother is unmarried, shall have authority to give consent to the marriage.

Issuer having
personal
knowledge or
reason to sus-
pect that affi-
davit is un-
true.

7. In case the person having authority to issue the certificate or license has personal knowledge that the facts are not as the fifth section of this Act requires, he shall not issue the certificate or license; and if he has any reason to believe or suspect that the facts are not as aforesaid, he is, before issuing the certificate or license, to require further evidence to his satisfaction in addition to the said affidavit or deposition.

Fees.

8. No fee shall be payable for any license or certificate, except the sum which the issuer of marriage licenses has heretofore been entitled or allowed to retain for his own use in respect of a marriage license; and the issuer of the license or certificate shall be entitled to retain the said sum for his own use as heretofore; but the Lieutenant-Governor in Council may from time to time reduce the sum so payable.

License to pro-
tect minister
from damages
when he is
unaware of
he impedi-
ment.

9. No minister who performs any marriage ceremony after banns published, or after a license or a certificate issued under this Act, shall be subject to any action or liability for damages or otherwise by reason of there being having been any legal impediment to the marriage, unless, at the time when he performed the ceremony, he was aware of the impediment.

SCHEDULE "A."

(Being form of certificate before marriage without banns.)

THESE are to certify that A. B. of _____ and C. D. of _____ being minded, as it is said, to enter into the contract of marriage, and being desirous of having the same

duly solemnized, the said *A. B. (or C. D.)* has made oath as required by law, that he (*or she*) believes that there is no affinity, consanguinity, precontract or any other lawful cause or legal impediment, to bar or hinder the solemnization of the said marriage, and that said *A. B. or C. D. (or both as the case may be)* has (*or have*) had his (*or her, or their*) usual place of abode, for the space of fifteen days last past, within the Municipality of

and that the said *A. B. and C. D.* are of the full age of twenty-one years [*or that A. B. (or C. D.) is a widower or widow; or is under the age of twenty-one years and that the consent of E. F., whose consent to said marriage is required by law, has been obtained; or that the father of the said (party under age) is dead, no guardian of the person of said (party) has been appointed, and the mother of said (party) is dead (or married), and there is no person having authority to give consent to said marriage, (as the case may be).* And these are therefore to certify that the requirements of the Act respecting the solemnization of marriages have been complied with.

Given under my hand and seal at this
day of in the year of our Lord one thousand eight
hundred and and in the year of Her
Majesty's reign.

G. H.

(*Issuer of Licenses.*)

Issued from the office of the Provin-
cial Secretary for Province of Ontario, }
under 37 Vict. cap. this day of 18. }

K. L.

Provincial Secretary.

SCHEDULE "B."

I, *A. B. (or C. D.)* of
make oath and say,

} [*Bachelor (or widower),*
Spinster (*or widow*),
[spinster (*or widow*),

1. That I, and *C. D.* of
bachelor (*or widower*)] are desirous of entering into the contract
of marriage, and of having our marriage duly solemnized.

2. That, according to the best of my knowledge and belief,
there is no affinity, consanguinity, precontract, or any other
lawful cause or legal impediment, to bar or hinder the solemn-
ization of the said marriage.

3. I, (*or the said C. D. or both as the case may be*) have (*or*
has) had since the day of my (*or his, or her, or our*)
usual place of abode, within the municipality of

4. I am of the age of years, and the said *C. D.* is of
the age of years.

5. (*In case of one or both of the parties being under the age*
of twenty-one years) I am a { widower } or the said *D. C. (or*
A. B.) is { widow } or according to the facts); or *E. F.* of

is the person whose consent to said marriage is re-
quired by law, and the said *E. F.* consents to the said marriage
(*or the father of the said (party under age) is dead, no guardi-
an of the person of the said (party under age) has been ap-*

pointed, and the mother of the said (*party under age*) is dead (*or married*), and there is no person having authority to give consent to said marriage (*as the case may be.*)

Sworn before me, at
 in the of } (Signed,) *A. B.*
 this day of 18 } *or C. D.*
 G. H. }
 (*Issuer of License.*)

No. 130.

3rd Session, 2nd Parliament, 37 Vict., 1874.

BILL.

An Act respecting the Solemnization of
 Marriages.

1st Reading, 27th February, 1874.

Hon. Attorney-General Mowat.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act respecting the Solemnization of Marriages.

HER Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. All marriages which have before the passing of this Act, Marriages before passing of this Act legalized.
5 been celebrated within the Province of Ontario or within Upper Canada, by any person legally authorized to marry, between persons not under any legal disqualification for entering into the contract of matrimony, are hereby declared to have been and to be lawful and valid so far as respects the civil rights, in this
10 Province, of the parties or their issue, and so far as respects all matters within the jurisdiction of the Ontario Legislature, notwithstanding that the banns were not published for the number of times, or at the place or time, or in the manner required by law, or that there was any other defect in the publication of the
15 banns, or that no banns were published; or, notwithstanding that there was any defect in the marriage license, or that the marriage was celebrated without license: Provided that the parties thereafter lived together, and cohabited as husband and wife, and that the validity of the marriage has not hitherto been
20 questioned in any suit at law or in equity, and provided further that nothing in this Act contained shall extend or be construed to extend to make valid any marriage illegally solemnized where the parties to such illegal marriage or either of them has since contracted matrimony according to law.
- 25 2. In case of an intended marriage after publication of banns, One publication of banns sufficient. and without a license or a certificate under this Act, it shall not henceforward be necessary that banns be published on more than one Sunday; and it shall be sufficient, if the intention of the two persons to intermarry be proclaimed once, openly, and in
30 an audible voice, either in the church, chapel or meeting house in which one of the parties has been in the habit of attending worship; or in some church, chapel, meeting house, or place of public worship of the congregation or religious community with which the minister or clergyman who performs the ceremony is
35 connected, in the local municipality, parish, circuit or pastoral charge, where one of the parties has, for the space of fifteen days immediately preceding, had his or her usual place of abode, such proclamation to be on a Sunday, immediately before the service begins, or immediately after it ends, or at some inter-
40 mediate part of the service.
3. A certificate in the form given in Schedule A to this Act Certificate instead of license. may at the option of the applicant, be substituted for the mar-

riage license heretofore required ; and a certificate under this Act shall have the same legal effect as a license.

Marriage
licenses to be
issued by Prov.
Sec. and
signed by
Lieut.-Gov.

4. Such certificate or license shall hereafter be issued from the office of the Provincial Secretary, and shall be furnished to persons requiring the same by such persons as the Lieutenant-Governor in Council shall name for that purpose. A license shall be under the hand and seal of the Lieutenant-Governor. 5

Affidavit of
party before
license is
granted.

5. Before any certificate or license is granted by any person so named, one of the parties to the intended marriage shall personally make oath before the person who is to grant the certificate or license, that he or she believes that there is no affinity, consanguinity, precontract, or other lawful cause, or legal impediment, to bar or hinder the solemnization of the marriage, and that one of the parties has for a space of *fifteen* days immediately preceding the issue of the certificate or license had his or her usual place of abode within the judicial district or county, in which (for either municipal or judicial purposes) the local municipality in which the marriage is to be solemnized lies ; and, in case either of the parties, not being a widower or widow, is under the age of twenty-one years, that the consent of the person whose consent to the marriage is required by law has been obtained thereto : Provided always, that if there is no person having authority to give such consent, then, upon oath made to that effect by the party requiring the certificate or license, it shall be lawful to grant the certificate or license notwithstanding the want of any such consent. The affidavit may be in the form set forth in Schedule B to this Act. 10 15 20 25

Persons whose
consent to
marriage of a
minor is to be
obtained.

6. The father, if living, of any party under twenty-one years of age (not being a widower or widow,) or, if the father be dead the guardian or guardians of the person of the party so under age, lawfully appointed, or one of the guardians, if there are more than one ; or, in case there is no such guardian, then the mother of the minor, if the mother is unmarried, shall have authority to give consent to the marriage. 30

Issuer having
personal
knowledge or
reason to sus-
pect that affi-
davit is un-
true.

7. In case the person having authority to issue the certificate or license has personal knowledge that the facts are not as the fifth section of this Act requires, he shall not issue the certificate or license ; and if he has any reason to believe or suspect that the facts are not as aforesaid, he is, before issuing the certificate or license, to require further evidence to his satisfaction in addition to the said affidavit or deposition. 35 40

Fees.

8. No fee shall be payable for any license or certificate, except the sum which the issuer of marriage licenses has heretofore been entitled or allowed to retain for his own use in respect of a marriage license ; and the issuer of the license or certificate shall be entitled to retain the said sum for his own use as heretofore ; but the Lieutenant-Governor in Council may from time to time reduce the sum so payable. 45

Expense of
providing
licenses.

9. All expenses incident to providing licenses and certificates, are to be paid by the issuer of the licenses and certificates. 50

License to pro-
tect minister
from damages

10. No minister who performs any marriage ceremony after banns published, or after a license or a certificate issued under

this Act, shall be subject to any action or liability for damages when he is or otherwise by reason of there being having been any legal impediment to the marriage, unless, at the time when he performed the ceremony, he was aware of the impediment. unaware of the impediment.

- 5 11. This Act shall go into effect on the first day of July next, after the passing thereof ; except as to the first section which shall go into effect forthwith.

SCHEDULE A.

(Being form of certificate before marriage without banns.)

THESE are to certify that A. B. of _____ and C. D. of _____ being minded, as it is said, to enter into the contract of marriage, and being desirous of having the same duly solemnized, the said A. B. (or C. D.) has made oath as required by law, that he (or she) believes that there is no affinity, consanguinity, precontract or any other lawful cause or legal impediment, to bar or hinder the solemnization of the said marriage, and that said A. B. or C. D. (or both as the case may be) has (or have) had his (or her, or their) usual place of abode, for the space of fifteen days last past, within the city, county, (or district) of _____ namely, in the township, town or village of _____ in the said county or district of _____ and that the said A. B. and C. D. are of the full age of twenty-one years [or that A. B. (or C. D.) is a widower or widow ; or is under the age of twenty-one years and that the consent of E. F., whose consent to said marriage is required by law, has been obtained ; or that the father of the said (party under age) is dead, no guardian of the person of said (party) has been appointed, and the mother of said (party) is dead (or married,) and there is no person having authority to give consent to said marriage, (as the case may be). And these are therefore to certify that the requirements of the Act respecting the solemnization of marriages have been complied with.

Given under my hand and seal at _____ this _____ day of _____ in the year of our Lord one thousand eight hundred and _____ and in the _____ year of Her Majesty's reign.

G. H.

(Issuer of Licenses.)

Issued from the office of the Provincial Secretary for Province of Ontario, under 37 Vict. cap. _____ this _____ day of 18 _____ }

K. L.

Provincial Secretary.

SCHEDULE B.

I, A. B. (or C. D.) of _____ make oath and say,

1. That I, and C. D. of _____ [Bachelor (or widower), Spinster (or widow), [spinster (or widow), bachelor (or widow)] are desirous of entering into the contract of marriage, and of having our marriage duly solemnized.

2. That, according to the best of my knowledge and belief, there is no affinity, consanguinity, precontract, or any other lawful cause or legal impediment, to bar or hinder the solemnization of the said marriage.

3. I, (or the said *C. D.* or both as the case may be) have (or has) had since the day of my (or his, or her, or our) usual place of abode, within the municipality of

4. I am of the age of years, and the said *C. D.* is of the age of years.

5. (In case of one or both of the parties being under the age of twenty-one years) I am a { widower } or the said *D. C.* (or *A. B.*) is { widow } or according to the facts); or *E. F.* of

is the person whose consent to said marriage is required by law, and the said *E. F.* consents to the said marriage (or the father of the said (party under age) is dead, no guardian of the person of the said (party under age) has been appointed, and the mother of the said (party under age) is dead (or married), and there is no person having authority to give consent to said marriage (as the case may be.)

Sworn before me, at
in the of
this day of 18 .

G. H.

(Issuer of License.)

(Signed,) *A. B.*
or *C. D.*

BILL.

An Act respecting the Solemnization of Marriages.

1st Reading, 27th February, 1874.

2nd Reading, 6th March, 1874.

Hon. Attorney-General MOWAT.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act respecting Industrial Schools.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

1. A school in which industrial training is provided, and in which children are lodged, clothed and fed, as well as taught, shall exclusively be deemed an industrial school within the meaning of this Act. (Imp. Act, 29-30 Vic. c. 118, sec. 5.) Industrial school, definition of,
2. In case the public school board of trustees for any city, or the separate school trustees therein, establish an industrial school, and provide the necessary building or buildings, either by purchase, lease or otherwise, and provide the other requisites for such schools, and cause notice thereof to be given to the city inspector of public schools, the said inspector shall make an examination of the school buildings so provided, and of their fitness for the reception of children, and shall enquire as to the other requisites provided, and shall enquire also into the means adopted for carrying on the school, and shall report the said particulars to the Chief Superintendent of Education; and if the Chief Superintendent is satisfied with the report of the inspector, he may, in writing under his hand, certify that the school is a fit and proper one for the reception of children to be sent there, and the school shall thereupon be deemed a certified industrial school for the purposes of this Act. (Imp. Act, sec. 7.) In cities, examinations by Inspector, report thereon. Certificate by Chief Superintendent.
3. The notice of the grant of the Certificate shall forthwith be given by the Board to the police magistrate, and shall likewise be inserted by the Board in the *Ontario Gazette*; and a copy of the *Gazette* containing the notice shall be conclusive evidence of the grant, which may also be proved by the certificate itself, or by an instrument purporting to be a copy of the certificate, and attested as such by the Chief Superintendent for the time being, or his deputy. (Imp. Act, sec. 9.) Notice of the certificate and evidence thereof.
4. Any person may bring before the police magistrate any child apparently under the age of fourteen years, who comes within any of the following descriptions namely :— Certain children under fourteen may be brought before Police Magistrate.
- (1.) Who is found begging or receiving alms, or being in any street or public place for the purpose of begging or receiving alms;
- (2.) Who is found wandering, and not having any home or settled place of abode or proper guardianship, or not having any lawful occupation or business, or visible means of subsistence;

(3) Who is found destitute, either being an orphan or having a surviving parent who is undergoing penal servitude or imprisonment; (Imp. Act, sec. 14.)

(4.) Whose parent, step-parent or guardian represents to the police magistrate that he is unable to control the child, and that he desires the child to be sent to an industrial school under this Act; (Imp. Act, sec. 16.)

(5.) Who, by reason of the neglect, drunkenness or other vices of parents, is suffered to be growing up without salutary parental control and education, or in circumstances exposing him to lead an idle and dissolute life. (Mass. Stat., p. 39, sec. 1.)

Magistrate may order child to school; requisites of the order.

5. If the police magistrate is satisfied on enquiry that it is expedient to deal with the child under this Act, he may order him to be sent to a certified industrial school; which order shall be in writing, and shall specify the name of the school, and the time for which the child is to be detained in the school, being such time as to the police magistrate seems proper for the teaching and training of the child, but not in any case extending beyond the time when the child will attain the age of years. (Imp. Act, sec. 14 & 18.)

Admission to the schools.

Powers as to instruction and employment.

6. The said school corporation may admit into the industrial schools established by them, all male children under the age of , and all female children under the age of , who shall be committed to the said schools by the police magistrate; and the said corporations respectively shall have power to place the said children at such employments, and cause them to be instructed in such branches of useful knowledge as shall be suitable to their years and capacities. (N. Y. West H. of Refuge Act, s. 13, p. 69).

Roman Catholic children.

7. In case an industrial school is established by the Roman Catholic separate school trustees in any city, the police magistrate shall endeavour to ascertain the religious persuasion to which every child to be sent by him to an industrial school belongs, and shall, as far as practicable, send Roman Catholic children to the Roman Catholic Industrial School and other children to the other Industrial school: and if a parent or guardian, or in case there be no parent or guardian, then if the nearest adult relative of a child in a Roman Catholic separate school claims that the child should be sent to the industrial school under the said Board of trustees, or claims that a child in an industrial school established by the latter should be sent to the Roman Catholic separate school, the Chief Superintendent, on being satisfied of the justness of such claim, shall order a transfer of the child accordingly, provided that the managers of the school to which the transfer is to be made are willing to receive the child. (Imp. Act, secs. 20 & 21.)

Visits by clergymen.

8. A minister of the religious persuasion to which a child appears to belong may visit the child at the school on such days and at such times as may be from time to time fixed by regulations of the Council of Public Instruction in that behalf, for the purpose of instruction in religion. (Imp. Act, sec. 25.)

Children may reside with respectable persons.

9. The school corporation may permit a child sent to their industrial school under this Act to live at the dwelling of any trustworthy and respectable person, so that a report is made

forthwith to the Chief Superintendent, in such manner as he thinks fit to require, of every instance in which this discretion is exercised. (Imp. Act, sec. 26.)

10 **10.** Any permission for that purpose may be revoked at any time by the school corporation; and thereupon the child to whom the permission relates shall be required to return to the school. (Imp. Act, sec. 27.)

Revocation of permission to reside out of school.

10 **11.** The time during which the child is absent from the school under permission shall, except where the permission is withdrawn on account of the child's misconduct, be deemed to be part of the time of his detention in the school, and, at the expiration of the time allowed by the permission, he shall be taken back to the school. (Imp. Act, sec. 27.)

Time of absence how calculated.

Return to school.

15 **12.** A child escaping from the person with whom he is placed, or refusing to return to the school, on the revocation of the permission or at the expiration of the time allowed thereby, shall be deemed to have escaped from the school. (Imp. Act, sec. 27.)

What shall be deemed escape from school.

20 **13.** The Chief Superintendent may at any time order any child to be discharged from a certified industrial school, either absolutely or on such conditions as he thinks fit, and the child shall be discharged accordingly. (Imp. Act, sec. 43.)

Discharge from school.

25 **14.** The Public School Board may at any time during the period of the detention of a child in a school, if he has conducted himself well in the school, bind him, with his own consent, apprentice to any trade, calling or service, and every such binding shall be valid and effectual to all intents. (Imp. Act, sec. 28.)

Apprentising.

30 **15.** The said school corporation may from time to time make rules for the management and discipline of the certified industrial school established by the board, such rules not being inconsistent with the provisions of this Act; but the rules shall not be enforced until they have been approved by the Council of Public Instruction; and rules so approved shall not be altered without the like approval; a printed copy of the rules purporting to be rules of a school so approved and signed by the Chief Superintendent shall be evidence of the rules of the school. (Imp. Act, sec. 29.)

Rules for management; power to make,

Evidence of.

40 **16.** On the complaint of the school corporation or of any agent of the school corporation, at any time during the detention of a child in a certified industrial school, the judge of the division court of the division in which the parent, step-parent or guardian of the child resides, may, on summons to the parent, step-parent or guardian (Form A), issued and served according to the ordinary practice of the court, examine into his ability to maintain the child, and the judge may, if he thinks fit, make an order on such parent, step-parent or guardian for the payment to the school corporation of such weekly sum not exceeding per week, as to the judge seems reasonable, during the whole, or any part of, the time during which the child is liable to be detained in the school, and the said order shall for all purposes be a judgment of the said division court. (Imp. Act, sec. 40.)

Power to order parent, &c., to maintain a child.

Varying the
order for
maintenance.

17. The judge making such order, or any other judge holding the said division court, may from time to time vary any such order as circumstances require, on the application either of the person on whom the order is made, or of the school corporation or its agent, on fourteen days' notice of the application being first given to the other party. (Imp. Act, sec. 40.) 5

Costs of order
for maintenance.

18. The officers of the court shall be entitled to charge fees upon proceedings had under the two next preceding sections, according to the lowest division court scale, and in every case all costs shall be in the discretion of the judge. 10

Liability of
other corporations
for maintenance
according to
residence of
the child.

19. In case a child sent by a police magistrate to an industrial school, has not resided in the city for a period of one year, but has resided for that period in some other county, city, or separated town, the school corporation may recover from the corporation of such county, city, or separated town the expense of maintaining the child; or if the child, although he or she had resided for a period of one year in the city in which the industrial school is situated, had, since such residence, been resident for a period of one year in some other municipality, the school corporation may, in like manner, recover the expense of maintenance from the county, city, or separated town in which the child last resided for a period of one year. (Imp. Act, sec. 38.) 15 20

Apprehension
on escape or
absence.

20. If a child sent to a certified industrial school, and while liable to be detained there, escapes from the school, or neglects to attend thereat, he may, at any time before the expiration of his period of detention, be apprehended without warrant, and may be brought back to the same school there to be detained during a period equal to so much of his period of detention as remained unexpired at the time of his escape. (Imp. Act. s. 33.) 25 30

Chief Superintendent to
apportion
grants for
schools.

21. In case any money is granted or provided by the Legislature for the support of industrial schools, it shall be the duty of the Chief Superintendent, and he is hereby empowered, to apportion the money on or before the first day of May, to the several industrial schools in the province, according to the average number of pupils at each school from time to time during the preceding year as compared with the whole average number at the industrial schools established under this Act. 55

Liability to inspection; the
laws that
govern.

22. Industrial schools established under this Act shall be under the same inspection, and subject to the same laws in all respects, as other schools established by the school corporation, except so far as may be inconsistent with this Act. 40

Surrender of
child to
parents or other
persons.

23. Whenever it is satisfactorily proved that the parents of any child committed under the provisions of this Act have reformed and are leading orderly and industrious lives, and are in a condition to exercise salutary parental control over their children, and to provide them with proper education, and employment, or whenever, said parents being dead, any person may offer to make suitable provision for the care, nurture and education of such child as will conduce to the public welfare, and will give satisfactory security for the performance of the same, then the board of school trustees may discharge said child to the parents or to the party making provision for the care of the child as aforesaid. 45 50

FORM A.

[L S.]

SUMMONS FOR MAINTENANCE IN INDUSTRIAL SCHOOL.

In the _____ division court of the county
of _____

BETWEEN the Public School Board of the city of

Plaintiffs,

AND

C. D.

Defendant.

You, the above-named defendant, are hereby summoned to appear at the next sitting of this court, to be holden at _____ in the county of _____ on _____ the _____ day of _____ A.D. 187____, at the hour of ten o'clock in the forenoon, to answer the allegation of the plaintiff, that you, the said _____ are liable for the expense of maintaining one E. D., a boy detained in the Industrial School, under the charge of the above-named plaintiffs, in the city of _____

And, further, you are hereby required to take notice that the plaintiffs claim that you are able to pay the sum of \$ per week towards the said expenses, and that if you do not appear at the said time and place, such order will be made in your absence as may seem just.

Dated this day of A.D. 187 .

By the Court,

X_____ Y_____.
Clerk.

Clerk.

3rd Session, 2nd Parliament, 37 Victoria, 1874.

BILL.

An Act respecting Industrial Schools.

First Reading, 27th February, 1874.

Hon. Mr. Mowat.

TORONTO

PRINTED BY HUNTER, ROSE & Co.

No. 132.]

BILL.

[1874.

An Act to provide for the remission of sums due to the Crown by settlers, in the Free Grant Townships of Alice, Grattan, Wilberforce and Minden.

HER Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. The Lieutenant-Governor in Council may remit the sums due to the Crown in respect of their lands by *bona fide* settlers still in occupation of their lands in the free grant townships of Alice, Grattan, Wilberforce and Minden, and place such settlers in the same position as those who settled in the free grant townships under the free grant regulations.
- 5
2. The Lieutenant-Governor in Council may confer upon the Commissioner of crown lands authority to make the remissions in the first clause mentioned, subject to the provisions thereof, and of any Order in Council not inconsistent therewith.
- 10
- Lieutenant-Governor in Council may remit debts due to the Crown in certain townships
- and confers on the commissioners of crown lands power to remit

3rd Session, 2nd Parliament, 37 Victoria, 1874.

BILL

An Act to provide for the remission of
sums due to the Crown, by settlers in the
Free Grant Townships of Alice, Gratton,
Wilberforce and Minden.

First Reading, 27th February, 1874.

Hon. Mr. PARDEE.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act to make further provision for the due
Administration of Justice.

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows:—

PART 1.

COURT OF ERROR AND APPEAL.

1. In order to secure the due despatch of the increased business of the Superior Courts and of the judges thereof, the due disposal of the increased circuit business, the speedy trial of controverted elections, and the due hearing and early determination of cases in appeal, an additional judge or, additional judges not exceeding three in all, may, on application of the Lieutenant-Governor in Council, be appointed from time to time in the manner prescribed by the British North America Act, 1867, and the additional judge or judges so appointed shall be called justice or justices of the Court of Error and Appeal. Judges of the Court of Error and Appeal may be appointed.
2. Whenever a vacancy in the office of Chief Justice of the Court of Error and Appeal takes place, it shall not be necessary that the person appointed to the office be a retired judge of any court, and the additional judge or judges so to be appointed, may be selected from the judges for the time being of the Courts of Queen's Bench, Chancery, and Common Pleas, or from such barristers as are eligible to be appointed judges of those said courts. Vacancy in office of Chief Justice, how it may be filled.
3. The Justice or Justices so appointed shall, in addition to his or their duties as a judge or judges of the Court of Error and Appeal, preside over Courts of Assize and Nisi Prius, and of Oyer and Terminer and General Gaol Delivery, and hold Chancery Sittings for the examination of witnesses and hearing of causes; and every such judge in the exercise of such duties shall have the same rights, powers, and privileges as a judge of either of the Superior Courts of Common Law, or of the Court of Chancery, sitting as aforesaid. Duties and powers of the judges.
4. No sittings of the Court of Error and Appeal shall be held unless four of its members are present, and no greater number than four shall sit at one time, except for the purpose of giving judgments. Four judges only to sit, and four to be a quorum.
5. The chief justice of the Court of Error and Appeal, shall continue to have rank and precedence over all the other judges of Her Majesty's courts of law and equity in Ontario, and the other judges of the said Court of Error and Appeal appointed Precedence of the chief justice and judges

under the authority of this Act, and the Chief Justice of Ontario, the Chancellor of Ontario, and the Chief Justice of the Court of Common Pleas, shall have rank and precedence, between themselves, according to their seniority of appointment to any of the said offices, but this shall not interfere with the precedence now existing between the Chancellor of Ontario and the Chief Justice of the Common Pleas. 5

Power to the chief justice and judges to sit in Chancery or the superior courts of Common law.

6. It shall be lawful for the Chief Justice, or any of the judges of the said Court of Error and Appeal, or any retired judge of any of the superior courts, if he finds it convenient, to sit in the Courts of Queen's Bench, Chancery or Common Pleas, upon the request of the judges or judge with or for whom he shall be so requested to sit; and the said Chief Justice or other judge shall, while so sitting, have all the powers and authority of a judge of the court in which he shall be so sitting. 15

Present judges to be *ex-officio* judges for certain purposes.

7. The judges for the time being of the superior courts shall continue to be *ex officio* judges of the Court of Error and Appeal, so as to provide for the cases mentioned in the next section of this Act.

Vacancies in the court may be filled by and from the judges of the courts of law.

8. Until there are four judges of the Court of Error and Appeal, who are not *ex officio* judges thereof, and thereafter in case of there being a vacancy in the court of appeal, or in case from illness or some other cause, one or more of the judges of the Court of Error and Appeal shall not be present at some sitting of the said court, or in case one or more of the said judges shall be under some legal disqualification to hear an appeal, the judges of the courts of Queen's Bench, Chancery and Common Pleas shall choose from amongst their number a judge, or as many judges as necessary, to supply for the time the place or places vacant, or the place or places of the judge or judges of the Court of Appeal so absent or disqualified; and the judges so chosen and acting shall have authority to continue to hear appeals partly heard before them, and to give judgment in all appeals heard before them, notwithstanding that such vacancy may in the meantime have been filled up, or that the judge who was absent may have resumed his duties. 20 25 30 35

Judge whose decision appealed from, not to sit on appeal.

9. No Judge of that Court against whose judgment, decree, or decision any error is assigned or appeal brought, shall sit or take part in the hearing of or adjudication upon the proceedings in Error and Appeal, in case such judge took part in the hearing in the court below. 40

President in absence of chief justice.

10. In the absence of the Chief Justice of the Court of Error and Appeal, the judge entitled to precedence over the other judges present shall preside.

Powers of the Court of Error and Appeal as to amendments, evidence, judgments and decrees.

11. The Court of Error and Appeal shall have all the powers and duties as to amendment and otherwise of the Court or Judge, from which or whom the appeal is had, together with full discretionary power to receive further evidence upon questions of fact; such evidence to be either by oral examination in Court, by affidavit, or by deposition taken before any person whom the Court may direct. Such further evidence may be given without special leave upon interlocutory applications, or in any case as to matters which have occurred after the date of 45 50

the decision from which the appeal is brought. Upon appeals from a decree or judgment upon the merits at the trial or hearing of any action or matter, such further evidence (save as aforesaid) shall be admitted on special grounds only, and not without the special leave of the Court. The Court shall have power to give any judgment and make any decree or order which ought to have been made, and to make such further or other order as the case may require.

- 10 **11a.** The powers in the next preceding section mentioned may be exercised by the said Court, notwithstanding that the notice of appeal may be, that part only of the decision may be reversed or varied; and such power may be exercised in favour of all or any of the respondents or parties, although such respondents or parties may not have appealed from, or complained of the decision. The Court shall have power to make such order, as to the whole or any part of the costs of appeal as may seem just.
- Manner of executing the powers in the preceding section.
- Costs.

- 20 **12.** In addition to the sittings now provided by law, the Court of Error and Appeal shall sit at such times and for such periods as the acting judges thereof for the time being, or a majority of them shall, from time to time, deem necessary or convenient for the speedy dispatch of business; notice of the holding of such sittings being given according to the usual practice.
- Sittings.

- 25 **13.** Any appeals to the said Court, which were instituted before the first day of January last from judgments, decrees, rules, or orders of a single Judge, shall be adjudicated upon by the said Court of Error and Appeal without having been first brought, by rehearing or otherwise, before the full Court in which the judgment decree, rule or order was made. Any cases heard before this Act comes in force and then standing for judgment shall be disposed of as if this Act had not been passed.
- Appeals before first of January 1874, from a single judge need not first go before full court.

- 35 **14.** The Justices of the Court of Appeal, shall, at the like times and under the like circumstances as the judges of the courts of Queen's Bench, Chancery and Common Pleas, select a judge or judges of the Court of Appeal to be placed on the *rota* for the trial of election petitions under the Controverted Elections Acts of Ontario, and the judge or judges so selected shall perform the like duties, and shall have the like powers as the other judges upon the *rota*.
- Judges in appeal to place one of themselves on the rota under Controverted Elections Act.

40

PART 2.

SUPERIOR COURTS.

15. All matters which, according to the law or practice heretofore prevailing, have been heard, in the Court of Queen's Bench or Common Pleas, before the full Court in term, are hereafter, with the exception of a motion for a new trial on account of some error on the part of the Judge before whom the trial was had, a motion to enter or set aside a non-suit, or any other matter in the nature of an appeal from the decision, judgment or order of a single Judge or such matters as the judges of the said Courts, by rule or order made under the authority of this Act, may appoint to be heard before the full Court, are hereafter, unless a judge shall otherwise direct to be heard and disposed of in the
- Certain matters at common law to be dealt with by a single judge subject to rehearing by the full court.

No appeal till
after rehearing.

first instance by a single Judge, subject to be reheard by the full Court as hereinafter provided; and except as in the thirteenth section provided there shall be no appeal from the judgment, decree, rule or order of a single judge until after, by a rehearing or otherwise, the matter has been brought before the full court, and adjudicated upon by such court, unless by leave of the said judge.

5

One judge to
sit in open
court, except
in long vaca-
tion.

16. One judge of each of the Courts of Queen's Bench, Chancery and Common Pleas is to sit in open court every week as well in as out of term, excepting during the long vacation, excepting the period from the twenty-fourth day of December to the sixth day of January thereafter, both days inclusive, for the purpose of disposing of all court business which may be transacted by a single judge; Provided always that when the business to be transacted does not appear to require more than one judge of the said Courts of Common Law to sit as aforesaid, a judge of either of the said courts may sit for both courts and dispose of the business.

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15

Rehearing on
decision of
single judge.

17. All rules, orders and decisions which are granted made or pronounced by a judge sitting alone, under the foregoing provisions, shall be subject to be reviewed and reheard by the full court; and the full court may for that purpose be constituted of two judges.

20

Security for
costs on re-
hearing.

18. No such rehearing is to take place until and unless the party rehearing shall first deposit in the hands of the proper officer of the court in which the cause or matter is pending, the sum of ~~one hundred~~ dollars, by way of security for any costs of the rehearing which he may be ordered to pay, unless dispensed with by an order of a judge in chambers.

25

Power to ap-
point days for
holding courts
of assize, &c.,
and the days
and county
towns for
Chancery sit-
tings.

19. The judges of the Court of Appeal and of the Courts of Queen's Bench, Chancery and Common Pleas jointly, or a majority of them, shall hereafter appoint the days upon which Courts of Assize and Nisi Prius, and of Oyer and Terminer and General Gaol Delivery, shall be held throughout Ontario, and shall also appoint the days, and name the county towns, at which circuit sittings of the Court of Chancery shall be held.

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Common Law
judges may
appoint courts
of assize in
any county
for issues to be
tried without a
jury.

20. The judges of the Courts of Queen's Bench, and Common Pleas, or of either of these courts, may appoint Courts of Assize and Nisi Prius, to be held without commission, either at Toronto or in any other county in the Province, as often, and at such times, as they shall see fit, for the trial of causes depending in the said courts which are to be tried by a judge without a jury.

40

Common Law
judges may
hold Chancery
sittings, and
Chancery
judges assizes.

21. A Judge of the Court of Queen's Bench or of the Court of Common Pleas, or retired Judge of any of the Superior Courts, if requested so to do by a Judge of the Court of Chancery, may hold a sitting of the Court of Chancery for the hearing of causes; and a Judge of the Court of Chancery may hold the assizes for any county or counties, if requested by a Judge of one of the said Courts of Common Law so to do.

45

50

Powers of the
presiding
judge at any

22. Any judge or queen's counsel presiding at any sittings of the Courts of Assize and Nisi Prius, Oyer and Terminer and

General Gaol Delivery, held under the authority of this Act or otherwise, or of any of such Courts, shall while so presiding possess, exercise and enjoy all the powers and authorities which were formerly granted in commissions issued for holding all for any of the said Courts, or which a judge of either of the superior courts of law would have, if presiding thereat, and may in like manner in civil proceedings reserve the giving of his final decision on questions raised at the trial; and his decision whenever given shall be considered as if given at the time of the trial.

Assize. Reservation of decision.

- 10 **23.** The assizes for any county shall not be put an end to by the commencement of a term of the courts of common law; but may continue and be holden during term; and in case of a trial during term, all motions respecting the trial or verdict shall be made within six days after the day on which the verdict is
15 rendered, if so many days expire in term, and if not, then, within the first four days of the ensuing term; and until the time for moving as aforesaid has expired, judgment shall not be signed unless the judge who tried the action certify under his hand, on the back of the record, that in his opinion execution ought to
20 issue in such action forthwith, or at some day to be named in such certificate, and subject or not to any condition or qualification.

Assizes may be held during term. Motions in such cases as to the trial or verdict.

- 24.** The sittings of the Courts of Assize and Nisi Prius in any county may, in the discretion of the judges appointing
25 the days therefor, or of the judge who has been appointed to preside or is presiding thereat, be held separate and apart from the Courts of Oyer and Terminer and General Gaol Delivery in the said county, and either on the same day or on a different day, and either of such courts may be presided over by
30 any judge or retired judge of any of the Superior Courts, or by one of the judges of any County Court in Ontario, or by some one of Her Majesty's counsel, learned in the law, appointed for Upper Canada, or for the Province of Ontario, upon such judge or counsel being requested by any of the chief justices or
35 judges of the superior courts of law to attend for that purpose.

Sittings of assizes and nisi prius may be distinct from courts of Oyer and Terminer and General Gaol Delivery. Who may preside.

- 25.** In case the decision of a question raised at the assizes is not given until term by the judge reserving the same, all motions respecting the trial or verdict shall be made within
40 six days after the day in which the decision is given, if so many days expire in term, and if not then within the first four days of the ensuing term; and until the time for moving as aforesaid, has expired, judgment shall not be signed unless the judge who tried the action certify in the manner provided by the section of this Act.

Time for moving as to the trial when a reserved decision not given till term.

- 26.** Any sitting of the Court of Chancery for the hearing of causes, may be held by a judge or a retired judge of any of the Superior Courts, or by any one of Her Majesty's counsel aforesaid, or by one of the judges of any County Court in Ontario, upon such counsel or judge being requested by the chancellor, or
50 one of the vice-chancellors, to attend for the purpose; and such judge or counsel while holding the sitting shall possess, exercise and enjoy all the powers and authorities of a judge of the Court of Chancery, and may give his decision either during the sitting or afterwards; and such decision shall have the like force and
55 effect as the decision of a judge of the Court of Chancery.

County Court judge or Queen's counsel, may hold sittings in Chancery. Powers. Decision.

Issues of fact to be tried without a jury may be tried in Chancery.

27. Any issue of fact joined in an action depending in either the Courts of Queen's Bench or Common Pleas, and which, according to the course and practice of the said Courts, may be tried at *Nisi Prius* by a Judge without a jury, may be entered for trial at any of the sittings of the Court of Chancery held for the hearing of causes, at Toronto or on the circuit as the case may be. 5

Entry of record and practice in above cases.

28. The record shall in such cases be passed by the clerk or deputy clerk of the crown, as the case may be, and shall be entered for trial with the Registrar or Deputy-Registrar as the case may be; and the practice to be followed in respect of notice of trial, and the entering the record in causes so entered for trial at any chancery sittings, shall be as nearly as possible that of the said Courts of Common Law. 10

In the above cases, the evidence procedure, *postea* and powers of the Chancery judge.

29. The Judge of the Court of Chancery before whom any trial is had under the foregoing provisions shall, upon the trial, enforce the same rules as to evidence, and the evidence shall be given in the same manner, and the procedure generally shall be the same, as at a trial at the assizes; and the *postea* shall be *mutatis mutandis* in the same form as that applicable to trials at the assizes; and any Judge of the Court of Chancery so presiding at the trial of an issue joined in an action at law, shall have all the powers of a Judge sitting at the assizes. 15 20

In all cases except for libel the jury may be directed to answer questions instead of rendering verdict.

30. Upon a trial by jury, in any case except an action for libel, the judge, instead of directing the jury to give either a general or a special verdict, may direct the jury to answer any questions of fact stated to them by the judge for the purpose; and in such case the jury shall answer such questions, and shall not give any verdict; and in case the jury does not answer the questions submitted to them, the judge himself shall have power to find the facts with reference to such questions; and on the finding of the jury upon the questions which they answer, and on his own finding with respect to questions which the jury did not answer, the judge shall enter the verdict; and the verdict so entered, unless moved against, shall stand and be effectual as if the same had been the verdict of the jury. 25 30 35

If jury do not answer, the judge may—effect thereof.

Verdicts, how considered by the courts.

30a. Every verdict shall be considered by the court, in all motions affecting the same, as if leave had been reserved at the trial to move in any manner respecting the verdict, and in like manner as if the assent of parties had been expressly given for that purpose. 40

New trials.

30b. A new trial shall not be granted on the ground of misdirection, or of the improper admission or rejection of evidence, unless in the opinion of the court to which application is made some substantial wrong or miscarriage has been thereby occasioned in the trial of the action, and if it appear to such Court that such wrong or miscarriage affects part only of the matter in controversy, the court may give final judgment as to part thereof, and direct a new trial as to the other part only. 45 50

On notice requiring a jury, a money deposit to be made.

31. Before or at the time any party to an action in the Court of Queen's Bench or Common Pleas, or in the County Court, files a notice requiring that the issues should be tried

or damages assessed by a jury, he shall deposit with the clerk with whom the notice is to be fyled, the sum of dollars, in lieu of the sums heretofore required to be paid for jury fees when the record is entered for trial or assessment; and the said moneys shall be paid over by the clerk to the treasurer of the county, on the first days of January, April, July and October, of every year, unless sooner demanded, and shall form part of the fund from which petit jurors are to be paid; and no such notice shall be fyled, unless the sum named is first paid.

Disposal of the moneys.

REPLEVIN.

32. In case it is shown by affidavit to the satisfaction of the court, or of a judge having jurisdiction in the case, that a defendant in replevin cannot be served with a copy of the writ in any of the modes authorized by section six of the Act of the Consolidated Statutes of Upper Canada, entitled "An Act relating to Replevin," the said court or judge, if the defendant has not appeared, may either require some further attempt to effect service, or appoint some act to be done or some notice of the proceedings to be published in such manner as the court or judge deems proper; and thereupon (or upon the first application if the court or judge thinks fit) the court or judge may authorize the plaintiff to proceed in the action in such manner and subject to such conditions as the court or judge may direct, or impose.

Replevin proceedings when defendant cannot be served.

33. In an action of replevin, it shall not be necessary for the plaintiff to enter an appearance for the defendant; and in case of non-appearance by the defendant if the plaintiff files the writ and an affidavit of service thereof, or a rule of court or a judge's order for leave to proceed, the plaintiff may proceed in the action in the same manner as in an action commenced by an ordinary writ of summons.

Appearance by or for defendant not requisite. Procedure.

34. In case the plaintiff in an action of replevin, becomes entitled to sign judgment by default, he shall be at liberty to sign final judgment for the sum of five dollars, and costs according to the proper scale, but shall not be entitled to recover a larger sum except upon an assessment before a judge or jury, or upon filing the written consent of the defendant or his attorney, and an affidavit verifying the signature to such consent.

Damages on judgment by default.

35. In case upon an assessment aforesaid after interlocutory judgment by default, the plaintiff does not recover a larger amount than the said sum of five dollars, he shall tax such costs only as he would have obtained had he signed final judgment for the said sum under the preceding section.

Costs on assessment if no more than \$5.

DOWER.

36. In case of non-appearance by the defendant in an action for dower, if the demandant files the writ and an affidavit of personal service thereof or a rule of court, or judge's order for leave to proceed as if personal service had been effected, the demandant may enter judgment of seizin forthwith, and sue out a writ of assignment of dower, but she shall not be entitled to tax or recover the costs of suit or of entering such judgment against the defendant unless the court or a judge shall so order.

Non-appearance in dower. Judgment of seizin. Execution. Costs.

Case wherein defendant may sue out execution, if demandant does not.

37. In an action for dower, in case the defendant has filed and served an acknowledgment and consent under the sixteenth section of the Dower Act, and the demandant does not within three months thereafter sue out and cause to be executed a writ of assignment of dower, the defendant may, by leave of the court or a judge, sue out such writ; and the writ shall be, as nearly as may be, in the same form as a writ sued out by the demandant; and the like proceedings shall be had thereon. 5

Tenant may notify dowress of desire to assign her dower; procedure thereon.

38. The tenant of the freehold may at any time before action commenced serve upon a dowress a notice in writing that he is willing to assign her dower in the land (*describing it*) out of which she is entitled to dower, and may thereafter apply to one of the superior courts, or to a judge thereof, for a rule or order directing that a writ shall issue for the assignment of dower; and a writ therefor, may thereupon issue, and the like proceedings may be had thereon as upon a writ sued out after judgment in an action. 10 15

Order as to costs.

39. The court or judge granting a rule or order under either of the two next preceding sections may make such order as to the costs of the proceedings as appears just. 20

NON RESIDENT DEFENDANTS.

Procedure in case of service on foreign defendant, and neglect to appear.

40. Where in a suit against a defendant residing out of the Province of Ontario upon a contract or judgment,—it appears to the satisfaction of the court or a judge that the plaintiff has a good cause of action against the defendant, and that the defendant has assets in Ontario of the value of \$200 at least, which may be rendered liable to the judgment in case the plaintiff should recover in the action, and that the writ has been personally served upon the defendant, or, in case the defendant is not a British subject, that the notice authorized by section forty-five of the Common Law Procedure Act has been so served, or, in case of a foreign corporation aggregate, that such notice has been personally served upon the head officer of the corporation at its chief place of business, and that the defendant wilfully neglects to appear, the court or judge may, if either the contract was made on the breach thereof occurred within Ontario, or in case the suit is upon a judgment, notwithstanding the cause of action wholly arose out of Ontario, direct from time to time that the plaintiff shall be at liberty to proceed in the action in such manner, and subject to such conditions, as to the court or judge shall seem fit; but the plaintiff before obtaining judgment shall prove the amount of debt or damages claimed by him in the action, either before a judge or jury upon an assessment in the usual mode, or by reference in manner provided by the Common Law Procedure Act, according to the nature of the case, as the court or judge may direct. 25 30 35 40 45

CLERKS OF THE CROWN—REFEREE IN CHAMBERS, &c.

Execution for costs due under order of clerk of the Crown in chambers.

41. Writs of execution may be issued for enforcing the payment of costs directed to be paid by an order of the Clerk of the Crown and Pleas of the Court of Queen's Bench at Chambers, in the same manner as writs of execution may issue upon a judge's order directing payment of costs. 50

42. The authority conferred upon the judges therein mentioned, by the fifth section of the "Act respecting proceedings in Judges' Chambers," passed in the thirty-third year of Her Majesty's reign, shall, subject to the exception therein contained, 5 extend to empowering the Clerk of the Crown and Pleas of the Court of Queen's Bench to do any such thing, and to transact any such business and to exercise any such authority and jurisdiction as are now, or may be hereafter, done, transacted or exercised by a judge of either of the superior Courts of Law sitting 10 at Chambers; and the words "judge's order" and "order of a judge," and other like expressions in any Act of the Legislature of Ontario, when referring to an order of a judge of a superior Court of Law, shall include an order made by the said clerk under the authority of the said section, unless there is some- 15 thing in the context indicating a different meaning.

Powers to the Clerk of the Crown in chambers.

Meaning of the words "judge's order."

43. The authority conferred upon the court of Chancery, by the second section of the "Act respecting the Court of Chancery," passed in the thirty-fourth year of Her Majesty's reign, shall, subject to the exceptions therein contained, saving 20 opposed applications for administration orders, and opposed applications respecting the guardianship of the person or property of children, which applications the Referee may be hereafter empowered to dispose of, extend to empowering the "Referee in Chambers," of the said Court to do any such 25 thing, and to transact any such business and to exercise any such authority and jurisdiction in respect of the same, as are now, or may be hereafter, done, transacted or exercised by a Judge of the said Court sitting in chambers.

Powers to the Referee in Chambers in Chancery

44. It shall be the duty of the Clerk of the Crown of the 30 Court of Common Pleas to procure from the judges of the superior courts the several precepts for the return of panels of grand and petit jurors from time to time required for the Courts of Assize and Nisi Prius, Oyer and Terminer and General Gaol Delivery, and to transmit the same to the several sheriffs or 35 other officers to whom the return of such precepts severally belong.

Clerk of Common Pleas to procure precepts for return of panels and transmit to proper officers.

45. When the day is not fixed by law, he shall procure the precepts as soon as conveniently may be after the commission or other day has been appointed upon which the jurors to be returned upon the precepts are to be summoned to attend; and 40 when the day is fixed by law, then as soon as conveniently may be after the close of the last preceding sittings of the same courts.

Time for procuring precepts.

GENERAL RULES.

46. Certificates of chancery proceedings for registration may be signed by the registrar of the court, or by the Clerk of 45 Records and Writs, or by any other official authorized by the court to sign the same.

Certificates in Chancery for registry. Who may sign.

47. The general rules and orders, which the Judges of the Court are authorized by the sixty-fourth section of the Act 50 by any three of the Judges appointed under this Act.

General rules in appeal. Who may make.

48. The Courts of Queen's Bench and Common Pleas, or any four of the Judges of the said courts, of whom the Chief Justices shall be two, shall make all rules and orders necessary 60

Power to make rules and orders as to prior sections.

for carrying the foregoing provisions into effect, so far as regards proceedings in the said courts, and shall prescribe such forms as shall be necessary for that purpose; and the Court of Chancery shall make rules and orders and prescribe forms for carrying into effect such of the foregoing provisions as relate to that court. 5

PART 3.

COUNTY COURTS.

County Court Judges may hold Court in any county.

49. Every Judge of a County Court, shall have jurisdiction to hold the County Court in any county in the Province; and it shall be the duty of any County Court Judge to hold any County Court in any county, other than that of which he is the Judge, upon being required so to do by an order of the Lieutenant-Governor in Council. 10

Order in Council not essential.

50. Such Order in Council shall not be essential to give a County Court Judge jurisdiction to hold the County Court of a county other than that of which he is the Judge, but he may if he thinks fit hold any County Court at the request of the Judge or one of the Judges of that Court. 15

A Judge of Superior Court of law may order County Court cases to be tried at Assize.

51. A judge of either of the Superior Courts of law may, upon such terms as he may consider just, direct that the issues of fact and assessment of damages in any action pending in a county court may be tried and assessed at the sittings of Assize and Nisi Prius for any county, whether the venue is laid in such county or not. 20

Power to hold additional County Court sittings.

52. In addition to the regular sittings of the several County Courts now required by law, the judge of each county court may at such times as he shall appoint, hold additional sittings of such courts for the trial of issues of fact to be tried in such court by a judge without a jury, and he shall hold such sittings as often as may be requisite for the due despatch of business. 25

Powers of Junior or Deputy County Court Judge.

53. Whenever in this Act or in any statute now in force in Ontario, or which may be hereafter passed, any power or authority is conferred upon the judge of a county court, the like power and authority shall be possessed and may be executed by a junior or a deputy judge. 30

PART 4.

DISTRICT OF ALGOMA.

Certain powers and provisions extended to Algoma and all future provisional judicial districts.

54. Sections fifty-seven and fifty-eight of The Administration of Justice Act, 1873, shall be construed to extend to the judge of the district court of the District of Algoma, and the laws now in force or which may be hereafter passed with respect to Courts of General Sessions of the Peace in counties, and the powers of the justices thereat, or with respect to County Courts, or the power, authority or jurisdiction of the judges of such courts whether sitting in or out of court, and to the appointment and duties of local crown attorneys, clerks of the peace, sheriffs, coroners, clerks, constables and all other officers attached to such courts or employed in the administration of justice in connection therewith, shall, unless it be otherwise provided, or unless there be something in the context indicating 35 40 45

a different intention, apply to the Provisional Judicial District of Algoma, and to every provisional judicial district which may be hereafter established.

5 **55.** It shall not hereafter be necessary to issue precepts for the return of panels of grand or petit jurors for any sittings of the District Court of the District of Algoma, or of the General Sessions of the Peace for the said District, if it appears to the judge of the said district court that at such sittings there will be no business to be brought before such jurors.

Dispensation for issuing precepts for return of panels in Algoma.

10 **56.** When there appears to be need that precepts should issue for the return of panels of jurors aforesaid, it shall be the duty of the Clerk of the Peace of the said district, and the Clerk of the District Court, to inform the said judge thereof, in order that precepts may be issued for the return of jurors at the ensuing sittings of the court.

Clerk of the Peace and District Court to inform the Judges of necessity for precept.

20 **57.** If such business arises so shortly before the sittings, that the jurors cannot reasonably be summoned in sufficient time to attend on the day appointed for the commencement of the sittings, the said judge may order that the jurors be summoned for a subsequent day, and the said court shall in such case commence their sittings upon the day by law appointed therefor, and shall dispose of such business as may be disposed of without a jury, and shall be thereafter adjourned to the day for which the jurors are summoned as aforesaid. The said judge may make the order hereinbefore authorized, on the day upon which the sittings of the said court commence, or upon any earlier day.

Case of jurors being required, and no opportunity to summon before the sittings.

30 **58.** In case jurors are required for either of the said courts, the necessary precepts shall be issued for both of the said courts.

Precepts when jurors required for District Court and Sessions.

JUDICIAL AND TERRITORIAL DISTRICTS.

59. The Lieutenant-Governor may from time to time appoint coroners, justices of the peace or constables for any provisional judicial, temporary-judicial or territorial district, or for any portion of the territory of Ontario not attached to a county for ordinary municipal and judicial purposes.

Coroners, Justices and Constables in territorial districts, &c.

40 **60.** In case of any misconduct on the part of a constable appointed under the preceding section, the chairman of the Court of General Sessions of the Peace of the district, or the stipendiary magistrate, shall have authority to suspend from office indefinitely, or for any period the said chairman or magistrate may deem fitting.

Suspension from office of Constables for misconduct.

61. The chairman of the sessions or stipendiary magistrate, upon any such constable being suspended, shall forthwith report the particulars thereof to the Provincial Secretary, in order that the Lieutenant-Governor may take such action as to the revocation of the suspension or the dismissal of such constable, or otherwise, as he may deem proper.

Report of such suspension to Provincial Secretary.

50 **62.** In case any portion of a county has been or shall be hereafter detached from a county or provisional judicial district,

Justices of the Peace in portion of a county

detached and formed into or annexed to a temporary judicial or territorial district.

and formed into or annexed to a temporary-judicial, or territorial district, the Justices of the Peace residing in the territory so detached, shall be Justices of the Peace for the temporary judicial, or territorial district in which they reside, at the time of the same being so detached, and shall not act out of sessions as Justices of the Peace for the county or provisional judicial district. 5

Reeves in provisional judicial districts, &c., to be justices of the peace.

63. The Reeves of each municipality within any provisional-judicial, temporary-judicial, or territorial district, shall *ex officio* be justices of the peace for the district in which their respective municipalities lie. 10

PART 5.

At general sessions of the peace, on appeal from a decision of a J. P., the original depositions to be evidence in certain cases.

64. If upon the trial at the General Sessions of the Peace of an appeal from a decision of a Justice of the Peace upon any matter within the jurisdiction of the Legislature of Ontario, it be proved upon the oath or affirmation of any credible witness that a person whose deposition has been taken upon the original hearing, is dead or is so ill as not to be able to travel, or is absent from Ontario, or, if it is proved in like manner that after diligent enquiry such person cannot be found to be served with a subpoena, and if it be also proved that such deposition was taken in presence of the person accused, and that he, his counsel or attorney, had a full opportunity of cross-examining the witness, and, if the deposition purports to be signed by the Justice by or before whom the same purports to have been taken, it shall be read as evidence in the prosecution without further proof thereof, unless it be proved that the deposition was not in fact signed by the Justice purporting to have signed the same. 15 20 25

Appointments had of coroners, commissioners to take affidavits, and justices, made valid, though no order in Council.

65. Every commission which has heretofore, or which may be hereafter, issued under the Great Seal of Ontario, or the Privy Seal of the Lieutenant-Governor, as the case may require, for the appointment of any Coroner, Justice of the Peace, or Commissioner for taking affidavits in and for the Courts in Ontario, shall be valid, although no Order in Council has been passed directing the issue thereof. 30 35

PART 6.

If there be no proper court room, &c., the judge may hold court in any suitable place. Expenses for rent.

66. In case a proper court-room, and other necessary accommodation for the holding of the division court are not furnished by the municipality in which the division is situated, the judge may hold the court, in any suitable place in the division, or in any other division of the county in which suitable accommodation is provided; and the owner, lessee or tenant of the building in which the court is so held, shall for the use of the said building be entitled to receive from the municipality whose duty it was to provide proper accommodation for the court, the sum of five dollars for every day on which the court is held in said building. 40 45

Fees to constables.

67. The Lieutenant-Governor in Council, may from time to time, fix the fees to be taken by constables for services rendered by such officers in the administration of criminal justice, or in any proceedings had before coroners or justices of the peace. 50

PART 7.

JURIES.

68. The selectors whose duty it is to make the selection of jurors from the assessment rolls shall make the distribution among the four divisions as nearly as may be in the following proportions relatively to the whole number of persons bal-
 5 loted as that is to say: one-eighth as nearly as may be under the division to serve as grand jurors in the superior courts; one-eighth as nearly as may be under the division to serve as grand jurors in the inferior courts; three-eighths as nearly as may be under the division to serve as petit jurors in the superior courts,
 10 and three-eighths as nearly as may be under the division to serve as petit jurors in the inferior courts.

Selectors of jurors from assessment rolls to make certain distribution of jurors.

69. The court of General Sessions of the Peace, upon the receipt of the jurors book shall proceed to determine the years during which search shall be made as to whether any juror
 15 whose name appears on such books has served, being at least the number of years for which such jurors are entitled to exemption.

Court of Sessions of the Peace to determine years for search for service as jurors.

70. The clerk of the peace shall thereupon and before the selection hereinafter mentioned examine the jurors' books for
 20 the years so determined, and shall mark in the jurors' books from which the selection is to be made opposite the name of each juror therein having served during any of such years, the year and panel of such service.

Clerk of the Peace to examine the jurors book for such years, &c.

71. The number to be selected from the jurors rolls for a jury
 25 list according to the provisions of the fifty-third section of "The Upper Canada Jurors Act," shall, except in the County of York and in the County of Wentworth be as follows: from the roll of jurors to serve as grand jurors in the superior courts, forty-eight; from the roll of those to serve as grand jurors in the
 30 inferior courts, forty-eight; from the roll of those to serve as petit jurors in the superior courts, one hundred and forty-four; and from the roll of those to serve as petit jurors in the inferior courts, one hundred and forty-four.

Number to be selected from the rolls for a jury list except in York and Wentworth.

72. As respects the County of York, the numbers to be
 35 selected shall be as follows: from the first of such rolls, ninety-six; from the second of such rolls, ninety-six; from the third of such rolls, two hundred and eighty-eight and from the fourth of such rolls, two hundred and eighty-eight and as respects the County of Wentworth, the numbers to be se-
 40 lected shall be as follows: from the first of such rolls, seventy-two; from the second of such rolls, seventy-two; from the third of such rolls, two hundred and sixteen and from the fourth of such rolls, two hundred and sixteen.

Number in York and Wentworth.

73. The court of General Sessions may, if necessary, be ad-
 45 journed from time to time for the selection of jurors, and the selectors shall attend for that purpose on the day or days appointed.

Court of Sessions may adjourn for selections and selectors may attend.

74. The Clerk of the Peace, when calling in order, for the purpose of selection, the names and residences of the persons

Clerk of Peace to omit certain names.

upon the jury rolls, shall omit such names as may have been marked in the manner provided by the section of this Act as the names of persons having served within the number of years determined by the court.

Clerk of Peace may select any jury list before previous ones transferred to juror's book.

Fees to Clerk of Peace.

75. It shall be lawful for the selectors to select all or any of the Jury lists before the previous ones or all of them have been transferred to the jurors' book. 5

76. For examining and noting service of jurors under section of this Act, the Clerk of the Peace shall be entitled to the sum of per hundred names for each year for 10 which such examination shall be made.

Shares of fees for jurors to be borne by counties, cities and towns.

77. In case the council of counties and of cities or separated towns do not agree as to the shares of the fees and disbursements for juries to be borne by the counties, cities and towns respectively, the same shall be determined by arbitration under the provisions of the Municipal Act of Ontario; and the portion to be borne by the city or town, shall be payable to the county immediately after the close of each year. 15

PART 8.

SHERIFFS,

Endorsement of receipt of process, &c., now service, re-delivery to plaintiff, costs of service.

78. Upon the delivery of a writ of summons, or a writ in ejectment, or any copy of a bill or information in the Court of Chancery, at the office of any sheriff, to be served by him, he, his deputy or clerk, shall endorse thereon the time it was so delivered; and in case the writ, bill or information is not fully and completely served within ten days after such delivery, the plaintiff, his attorney or agent, shall be entitled to receive back the same; and the sheriff, deputy sheriff or clerk, shall endorse thereon the time of the delivery; and the costs of the mileage and service of the writ, bill or information by any literate person afterwards shall, in case the person to be served was at any time during such ten days within the county, be allowed in the taxation of costs, as if the service had been by the sheriff or his officer. 20 25 30

Failure by sheriff to re-deliver.

79. If the sheriff being applied to, neglects or refuses to return the writ, or copy of the bill or information, after the expiration of the ten days, the plaintiff may issue a duplicate or concurrent writ on the præcipe already filed, or may procure another copy of the bill or information, and the costs of the first or other writ or copy not returned may be charged against and recovered from the sheriff, by the plaintiff or his attorney. 35

Fees for service taxed or paid to other than the sheriff may be recovered by him in certain cases.

80. In case any writ of summons, or writ of ejectment, in either of the superior courts of law, or in any county court, or any bill of complaint or information in the Court of Chancery, is served within Ontario by any person other than the sheriff or his officer, and without having been ten days in the sheriff's hands for service as hereinbefore provided for, and if any fees for the service of the said writ, bill or information are notwithstanding taxed or paid, the amount so taxed or paid shall be a debt to, and recoverable by, the sheriff from the attorney or solicitor in whose 40 45

behalf the same were taxed, or from any other person who received payment of the said fees.

81. Before an action is commenced by a sheriff for the recovery of a bill of fees chargeable against an attorney or solicitor, 5 and after the expiration of one month from the service of the bill, the sheriff may serve the attorney or solicitor with a notice of an application to the Court of Chancery returnable not earlier than eight days from the day of service, or for a rule or summons of either the Court of Queen's Bench or Common Pleas, 10 returnable not earlier than eight days from the day of service, for payment of the amount of the bill; and the amounts claimed shall be stated in the notice, rule or summons:

Sheriffs before suit for fees may serve notice of application to the court for payment.

82. On the return of the notice, rule or summons, the court or judge may, without a reference, direct the payment to the 15 sheriff of the amount of his demand, or of any less amount, either without costs, or with costs to be fixed by an order or to be taxed; or the court or a judge may order the bill and the demand thereon to be taxed by the proper officer of any of the said courts, and may direct that the officer shall tax to the party entitled thereto his costs of the reference, and may also direct that 20 the sheriff and the attorney or solicitor shall respectively pay what may be found due to the other upon the conclusion of the reference and taxation; and the court or judge making the reference shall restrain the bringing of any suit pending the reference; and in case the order of reference does not make provision 25 in this behalf, the officer named in the order of reference may, in his discretion, having regard to the matters in dispute between the parties and occasioning the costs, tax the costs of the order and reference, or any portion thereof, in favour of 30 either party, or may disallow any part thereof.

Power of the court or judge, and proceedings on return of the notice.

83. The party entitled to payment may, at the expiration of eight days from the date of the order or of the certificate of the taxing officer, as the case may be, sue out a writ or writs of execution for the amount ordered or certified to be payable to him.

Execution for amount payable to the sheriff.

35 84. Where the bailiff or one of the bailiffs of the division court of the division of a county or union of counties in which the county town is situated dies, resigns, is removed, or for any reason ceases to be bailiff, the judge shall not, without the written consent of the sheriff, or the authority of the Lieutenant- 40 Governor, appoint a bailiff to the vacant office; but the sheriff, if he thinks fit, shall be entitled to take upon him the burden of the office in his name as sheriff; and, on giving security by bond and covenant, as required of bailiffs before entering on their duties, he shall thenceforward possess and exercise the powers. 45 rights, privileges and advantages, and have and be subject to the duties, liabilities and disqualifications attached to the office as bailiff of such division court; and he may perform any of the duties and exercise any of the powers aforesaid, either personally or by deputy, and he shall be entitled to the same fees in 50 respect to matters in the division court as a bailiff of the said court.

Vacancy in office, of bailiff division court of division in which county town situated, how filled, sheriff may act.

85. Every sheriff shall be *ex officio* a coroner of the county union of counties or district of which he is sheriff; but no sheriff shall hold an inquest upon the body of any prisoner, or

Sheriff to be *ex-officio* a coroner except as to his prisoners.

upon the body of any person who has died in any gaol or other place of imprisonment.

Writs directed
to coroners

86. Any writ or other process requiring to be directed to the coroners of a county, union of counties, city, or district, may be directed to the coroners other than the sheriff of such county, 5
union of counties, city or district.

Publication of
legal adver-
tizements.

87. All sheriff's advertisements, and other legal and official advertisements shall be published in such newspapers as the Lieutenant-Governor in Council from time to time directs; but this enactment shall not be construed as authorising the transfer 10
from the Ontario Gazette to any other newspaper of advertisements which are required by law to be published in the *Ontario Gazette*.

Superior courts
may strike So-
licitors off the
Rolls.

88. Either of the superior courts of law, or the Court of Chancery, may strike the name of any attorney or solicitor off the 15
roll of attorneys or solicitors of the court, for default by him in payment of moneys received by him as an attorney or solicitor, or for default in payment of sheriff's fees.

PART 9.

LAW FEES.

In county and
division courts
no fees payable
for benefit of
the crown.

89. From and after the first day of July next, no fees or charges shall be payable for the benefit of the Crown upon any 20
proceedings had in any county or division court, and so much of any Act or Acts as imposes any such fee is hereby repealed.

89a. The authority conferred by the Act passed in the thirty-second year of the reign of Her Majesty, and chaptered twenty-three, upon "The Board of County Judges," shall extend 25
to the substitution of other fees to be paid to clerks and bailiffs of division courts in lieu of fees payable to them under any statute.

Fees now pay-
able in Com-
mon Law
Chambers
Practice Court,
and Heir and
Devisee Com-
mission to be
paid by stamp.

90. The like fees as are now payable in the superior courts of law to the clerk of judges' chambers at Osgoode Hall, to the 30
clerk of the Practice Court, and to the clerk of the Heir and Devisee Commission respectively, in respect of proceedings had at chambers, in the Practice Court, or before the said Commission, subject to the provisions of section twenty-one, passed in the twenty-seventh and twenty-eighth years of the reign of Her 35
Majesty, and chaptered five, be hereafter payable to the crown, and shall be paid in stamps to be affixed and cancelled under the said last mentioned Act, and the Acts amending the same; and unless specially authorized, no person holding either of said offices, shall hereafter take for his own use and benefit, directly 40
or indirectly, any fee or emolument whatsoever, save the salary to which he may be entitled by law; and all the fees received for, or on account of the said offices, shall form part of the Consolidated Revenue Fund of this Province.

Salary to W.
B. Heward.

91. It shall be lawful for the Lieutenant-Governor in Council 45
to direct payment to William B. Heward, Esquire, as the clerk in chambers, and Practice Court, and of the Heir and Devisee Commission, in lieu of the fees heretofore received by him for his own use, of an annual salary not greater than dollars.

92. Where a pecuniary penalty or forfeiture is imposed by any Act of the Province of Canada, or of this Province with reference to any matter within the jurisdiction of the Legislature of Ontario, and the amount of the penalty or forfeiture is in any respect in the discretion of the court or judge, or in case the court or judge has the right to impose imprisonment in addition, or in lieu of such penalty or forfeiture, and no other mode is by the Act expressly prescribed for the recovery of the penalty or forfeiture, the same may be recovered upon indictment in any court of Oyer and Terminer or General Session of the Peace.

Cases wherein pecuniary penalty imposed by statute may be recovered on indictment,

93. No pecuniary penalty or forfeiture imposed by any Act of the Legislature of Ontario, shall be recoverable for any act of bribery or corrupt practice at an election, in case it appears that the person charged and another person or other persons were together guilty of the act charged, either as giver and receiver, or as accomplices or otherwise, and that the person charged shall have previously *bona fide* prosecuted such other person or persons or any of them for the said act; but this provision shall not apply in case the judge before whom the person claiming the benefit thereof is charged, shall certify that it clearly appears to him that the person so charged took the first step towards the commission of the offence charged, and that such person was in fact the principal offender.

No statutory penalty for corrupt practice at elections, where the party charged has first prosecuted a party jointly liable, proviso

94. The Acts and part of Acts mentioned in schedule A, hereto annexed, to the extent shown in the third column of the said schedule, and also all other Acts or parts of Acts inconsistent with this Act are hereby repealed.

Repealing clause.

95. This Act shall take effect on the first day of July next.

96. This Act may be cited as the Administration of Justice Act, 1874.

When Act to take effect.

Short title of Act.

SCHEDULE A.

Showing Acts or parts of Acts repealed.

REFERENCE TO ACT.	TITLE OF ACT.	EXTENT OF REPEAL.
C. S. U. C., Cap. 11.	An Act respecting Courts of Oyer and Terminer and General Gaol Delivery, and of Assize and Nisi Prius.	Sections thirteen, fourteen and fifteen.
C. S. U. C., Cap. 12.	An Act respecting the Court of Chancery.	So much of section twenty-three as authorises the Court of Chancery to appoint the periods at which Circuit sittings of the Court of Chancery shall be held. Sections three, four and six.
C. S. U. C., Cap. 13.	An Act respecting the Court of Error and Appeal.	Sections eighteen, and two hundred and seventy seven.
C. S. U. C., Cap. 22.	The Common Law Procedure Act.	Sections twenty-three, forty-five, forty-six, forty-seven, forty-eight, forty-nine, fifty, fifty-two, except so much of section fifty-two as directs that the selectors shall before entering upon the performance of their duties, severally make and subscribe an oath or affirmation in the form therein subscribed, sub-sections two and three of section fifty-three, the first four lines of sub-section four of section fifty-three; sub-sections two and three of section one hundred and fifty-five, and section one hundred and fifty-six.
C. S. U. C., Cap. 31.	The Upper Canada Jurors Act.	The whole.
24 Vic., Cap. 36.	An Act to amend the thirteenth chapter of the Consolidated Statutes of Upper Canada, respecting the Court of Error and Appeal.	So much of section three as authorizes the Chief Justices and Judges of the Superior Courts of Common Law to name the days upon which Courts of Assize and Nisi Prius, and of Oyer and Terminer, and General Gaol Delivery shall be held.
29-30 Vic., Cap. 40	An Act to amend an Act respecting the Superior Courts of Civil and Criminal Jurisdiction in Upper Canada.	So much of section seventeen as authorizes the trial at sittings of Assize and Nisi Prius, of issues of fact or assessment of damages in County Court causes without a judge's order.
32 Vic., Cap. 6.	The Law Reform Act of 1868.	Section six.
32 Vic., Cap. 24.	An Act respecting the Court of Error and Appeal, in the Province of Ontario.	Section forty-six.
36 Vic., Cap. 8.	The Administration of Justice Act, 1873.	

BILL

An Act to make further provision for the
due Administration of Justice.

1st Reading, 3rd March, 1874.

Hon. Attorney-General Mowat.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

No. 134.]

BILL.

[1874.

An Act respecting the Act intituled "An Act to encourage settlement in the Free Grant Territory."

HER Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. So much of the Act passed in the thirty-fourth year of ^{34 V., c. 5,} Her Majesty's reign, chaptered five, as confines to one township ^{amended.} the improvements to be made under the said Act is hereby repealed.

BILL.

An Act respecting the Act intituled "An Act to encourage settlement in the Free Grant Territory."

1st Reading, 3rd March, 1874.

(*PRIVATE BILL.*)

HON. MR. MCKELLAR.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act to declare of what lunatics the Inspector of Public Asylums is the Committee.

WHEREAS, there are doubts as to the true construction of section fifteen of an Act passed in the thirty-fourth year of Her Majesty's reign, intituled "An Act respecting Asylums for the Insane," and it is expedient to remove such doubts;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

1. The said section shall be construed to constitute the Inspector of Public Asylums, and his successors in office, *ex-officio*, and by his name of office as "Inspector of Public Asylums," to be the committee of every lunatic who has no other committee, and who is detained in any Public Asylum mentioned in the first section of the said Act, and whether such lunatic is detained under any order from the Lieutenant-Governor or otherwise ; and also to constitute the said Inspector and his successors in office, in manner aforesaid, the committee of any lunatic in the Rockwood Asylum at Kingston, who has no committee, and who is detained under an order from the Lieutenant-Governor.
- Lunatics of which the inspector is the committee.

BILL.

An Act to declare of what lunatics the Inspector of Public Asylums is the Committee.

First Reading, 3rd March, 1874.

Hon. Mr. FRASER.

TORONTO

PRINTED BY HUNTER, ROSE & Co.

No. 136.]

BILL.

[1874.

An Act to amend the Franchise.

HER Majesty, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows:—

- 1.** Any natural born or naturalized male subject of Her Ma-
5 jesty, of the full age of twenty-one years, deriving an income
or salary from any trade, profession, or calling, to the amount
of five hundred dollars and upwards, shall be entitled to vote at
any election, either parliamentary or municipal, provided he
shall have proved to the satisfaction of the court of revision of
10 the municipality where he desires to vote, that he is in receipt
of such income or salary in said municipality, and shall have
requested the said court to insert his name in the assessment
roll for the municipality for such salary or income, in which
case he shall not claim any exemption from payment of taxes on
15 such income or salary.

Income fran-
chise at parlia-
mentary and
municipal
elections.

No. 136.

3rd Session, 2nd Parliament, 37 Victoria, 1374.

BILL.

An Act to amend the Franchise.

1st Reading, 6th March, 1874.

MR. BYKERT.

TORONTO:

PRINTED BY HUNTER, ROSE & CO.

An Act to amend and consolidate the Public School Law.

CONTENTS OF THIS ACT.

- Part I. Preliminary Enacting Clauses.
 II. Trustees of Rural School Sections.
 III. Municipal Township Councils : Duties and powers of.
 IV. Municipal County Councils : Duties and powers of.
 V. Cities, Towns, and Incorporated Villages.
 VI. Public School Teachers and their Duties.
 VII. Public School Inspectors' Qualifications and Duties.
 VIII. County and City Boards of Examiners.
 IX. School Trustees and their Duties.
 X. Chief Superintendent of Education.
 XI. Special Provisions.
 XII. Penal and Interpretation Clauses.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

PART I.—PRELIMINARY ENACTING CLAUSES.

1. EXISTING SCHOOL ARRANGEMENTS CONTINUED.
2. PUBLIC SCHOOL ELECTIONS.

1. This Act shall take effect from the passing thereof, and shall be known and cited as the "Consolidated Public School Act of 1874."

1. EXISTING SCHOOL ARRANGEMENTS CONTINUED.

2. All public school sections or other public school divisions, together with all elections and appointments to office, all agreements, contracts, assessments, and rate-bills, heretofore duly made in relation to public schools, and existing when this Act comes into force, shall be subject to the provisions of this Act. 22 V., c. 64, s. 1.

3. The term, for which each school trustee who holds office at the time this Act takes effect, shall continue as if such term had commenced by virtue of an election under this Act; and on the second Wednesday in January next after this Act takes effect, the trustee or trustees whose term of office then expires, shall retire from office, but may, with his or their consent, be re-elected. 22V., c. 64, s. 2.

2. PUBLIC SCHOOL ELECTIONS.

Annual election on the second Wednesday in January.

4. The annual meetings for the election of school trustees, shall be held in all the cities, towns, townships and incorporated villages, on the second Wednesday in January, in every year, commencing at the hour of ten of the clock in the forenoon. 22 V., c. 64, s. 3.

PART II.—TRUSTEES OF RURAL SCHOOL SECTIONS.

1. POLL FOR RURAL SCHOOL TRUSTEE ELECTIONS.
2. THE OFFICE OF TRUSTEE.
3. ELECTION OF TRUSTEES IN NEW SCHOOL SECTIONS.
4. ANNUAL RURAL SCHOOL SECTION MEETINGS.
5. RURAL SCHOOL TRUSTEE CORPORATIONS.
6. VALIDITY OF CORPORATE ACTS—RESTRICTION AS TO CONTRACTS.
7. POWERS AND DUTIES OF RURAL SCHOOL TRUSTEES.
8. RURAL SCHOOL SECTION AUDITORS.
9. SELECTION OF RURAL SCHOOL SITES.
10. ESTABLISHMENT OF SCHOOL SECTIONS IN UNORGANIZED TOWNSHIPS.

1. POLL FOR RURAL SCHOOL TRUSTEE ELECTIONS.

When poll shall close.

5. The poll at every election of a rural school trustee or trustees shall not close before eleven of the clock in the forenoon, and shall not be kept open later than four of the clock in the afternoon of the day on which the election is commenced. 23 V., c. 49, s. 4. 5

2. THE OFFICE OF TRUSTEE.

Trustees' term of office.

6. For each rural school section, there shall be three trustees, each of whom, after the first election of trustees, shall hold office for three years, and until his successor has been elected. 22 V., c. 64, s. 4. 10

Trustees not to hold certain offices.

7. No trustee of a school section shall hold the office of public school inspector, or be a teacher, within the section of which he is a trustee; nor shall the master or teacher of any school, or an inspector, hold the office of trustee; and after a continuous non-residence or absence of six months from his school section or division by a trustee, shall cause the vacation of his office of trustee. 22 V., c. 64, s. 6; 23 V., c. 49, s. 11. 15

Vacation of office.

20

Term for vacancies.

8. Any trustee elected to fill a vacancy shall hold office only for the unexpired term of the person in whose place he has been elected. 22 V., c. 64, s. 5.

Trustees must make a declaration of office.

9. Every person elected as trustee, and who is eligible and liable to serve as such, shall make the following declaration of office before the chairman of the school meeting; or if the chairman be elected trustee, he shall make said declaration before the secretary of the meeting. 25

Declaration.

"I will truly and faithfully, to the best of my judgment and ability, discharge the duties of the office of School Trustee, to which I have been elected." 23 V., c. 49, s. 18; 34 V., c. 33, s. 24. 80

10. Any person chosen as trustee of a rural school section may resign his office, with the consent, expressed in writing, of his colleagues in office, and of the School Inspector. 22 V., c. 64, s. 24. Trustees may resign.

3. ELECTION OF TRUSTEES IN NEW SCHOOL SECTIONS.

11. Whenever a new school section is formed in any township, as provided in the forty-sixth section of this Act, the clerk of the township shall give notice of the description and number of such school section to the person appointed to call the first school meeting in it for the election of trustees. 22 V., c. 64, s. 7. Proceedings on the formation of a new School Section.

12. The person so appointed shall, within twenty days after receiving such notice, prepare a notice in writing, describing the section, and appointing a time and place for the first school section meeting, and shall cause copies of the notice so prepared by him to be posted in at least three of the most public places in the new school section, at least six days before the time of holding the meeting. 22 V., c. 64, s. 8. A Meeting in New Section to be called within twenty days.

13. The resident or non-resident assessed freeholders, householders, or tenants of such school section present at such first meeting shall elect one of their own number to preside over its proceedings, and shall also appoint a secretary, who shall record the proceedings of the meeting, and perform all such other duties as may be required of him by this Act. 22 V., c. 64, ss. 9 and 126.—23 V., c. 49, s. 3.—34 V., c. 33, s. 24: 37 V. Chairman and Secretary to be appointed at Meeting. Duties.

14. The chairman of the meeting shall decide all questions of order, subject to an appeal to the meeting; and, in case of an equality of votes, he shall give the casting vote—but he shall have no vote except as chairman. 22 V., c. 64, s. 10. Duties of Chairman—His casting vote.

15. The chairman shall take the votes in the manner desired by a majority of the electors present; but he shall, at the request of any two electors, grant a poll for recording by the secretary the names of the voters present. 22 V., c. 64, s. 11. Mode of Recording votes at school meeting.

16. At the first school section meeting, the electors present shall, by a majority of votes, elect from the resident assessed freeholders, householders, or tenants in the section, three trustees; but no person shall be eligible to be elected, or to serve as school trustee in a school section, who is not a resident assessed freeholder, householder, or tenant in the school section. 22 V., c. 64, s. 12: 23 V., c. 49, ss. 3 and 11: 37 V. Three resident trustees to be elected at first school meeting

17. The trustees elected at a first school section meeting shall respectively continue in office as follows:— Term of office of each trustee.

(1.) The first person elected shall continue in office for two years, to be reckoned from the annual school meeting next after his election, and thence until his successor has been elected; First.

(2.) The second person elected shall continue in office for one year, to be reckoned from the same period, and until his successor has been elected; Second

(3.) The third, or last person elected, shall continue in office until the next ensuing annual school meeting in such section, and until his successor has been elected. 22 V., c. 64, s. 13. Third.

Copy of Proceedings to be sent to the County Inspector.

18. A correct copy of the proceedings of a first and of every annual, and of every special school section meeting; signed by the chairman and secretary, shall be forthwith transmitted by the chairman of such meeting to the Inspector of schools. 22 V., c. 64, s. 14.

5

4. ANNUAL RURAL SCHOOL SECTION MEETINGS.

A school trustee to be annually elected in each section.

19. A resident assessed freeholder, householder, or tenant shall be elected to the office of trustee at each ensuing annual school meeting, in place of the trustee whose term of office is about to expire: and such trustee, if willing, may be re-elected; but no school trustee shall be re-elected, except by his own consent, during the four years next after his going out of office. 22 V., c. 64, s. 15: 23 V., c. 49, s. 11: 37 V.

10

Mode of Proceeding at annual school meetings.

20. At every annual rural school section meeting, as authorized and required to be held by the fourth section of this Act, the assessed freeholders, householders, or tenants of such section present at such meeting, or a majority of them—

15

Appointment of chairman and secretary.

(1.) Shall elect a chairman and secretary, who shall perform the duties required of the chairman and secretary, by the thirteenth, fourteenth and fifteenth sections of this Act. 22 V., c. 64, s. 16, No. 1: 23 V., c. 49, ss. 3 and 11: 37 V.

20

Trustees' and Auditors' general Report to be submitted

(2.) Shall receive and decide upon the school report of the trustees, and shall receive, or otherwise deal with, (as provided by the thirtieth section of this Act,) the financial report of the auditor or auditors of the school accounts of the previous year laid before the meeting, as required by the thirty-second section of this Act. 22 V., c. 64, s. 16, No. 2: 23 V., c. 49, s. 8: 34 V., c. 33, s. 21.

25

Annual election of school trustees.

(3.) Shall elect a resident assessed freeholder, householder, or tenant, or freeholders or householders of the section, to be a trustee or trustees, to fill any vacancy or vacancies in the trustee corporation. 22 V., c. 64, s. 16, No. 3: 23 V., c. 49, s. 8: 37 V.

30

School section Auditor to be appointed.

(4.) Shall appoint a fit and proper person to be auditor of the school accounts of the section for the then current year. 23 V., c. 49, s. 8.

35

Who are legal voters at School Meeting.

21. No person shall be entitled to vote in any school section for the election of trustee, or on any school question whatsoever, unless he shall have been assessed, and shall have paid county, township, or rural section school-rates as a freeholder, householder, or tenant of such section: and in case an objection be made to the right of any person to vote at a school section meeting, the chairman or presiding officer at the meeting shall, at the request of any ratepayer, require the person, whose right of voting is questioned, to make the following declaration:

40

Form of declaration required from school electors.

"I do declare and affirm that I have been rated on the assessment roll of this school section, as a freeholder (householder, or tenant, as the case may be), and that I have paid a public-school tax due by me in this school section, imposed within the last twelve months, and that I am legally qualified to vote at this meeting."

50

Effect of declaration.

Whereupon the person making such declaration shall be permitted to vote on all questions proposed at such meeting; but if any person refuses to make such declaration, his vote shall be rejected. 22 V., c. 64, s. 126: 23 V., c. 49, s. 3: 37 V.

22. In case, from the want of proper notice or other cause, any first or annual school section meeting, required to be held for the election of trustees, was not held at the proper time, the Inspector, or any two assessed freeholders, householders, or tenants in the section may, within twenty days after the time at which the meeting should have been held, call a school meeting, by giving six days' notice, to be posted in at least three of the most public places in the school section; and the meeting thus called shall possess all the powers and perform all the duties of the meeting in the place of which it is called. 22 V., c. 64, ss. 22, 25: 37 V.

Meetings to be called in default of first or annual meetings.

5. RURAL SCHOOL TRUSTEE CORPORATIONS.

23. The trustees in every school section shall be a corporation, under the name of "The Public School Trustees of Section No.— in the Township of—, in the County of—." And no such corporation shall cease by reason of the want of trustees; but in case of such want, any two assessed freeholders or householders of the section, or the inspector, may, by giving six days' notice, to be posted in at least three of the most public places in the section, call a meeting of the assessed freeholders, householders, or tenants, who shall proceed to elect three trustees, in the manner prescribed in thirteenth and three following sections of this Act; and the trustees thus elected shall hold and retire from office in the manner prescribed for trustees by the seventeenth section of this Act. 22 V., c. 64, ss. 25 and 26: 37 V.

Trustees to be a school corporation—its powers.

Filling vacancies.

6. VALIDITY OF CORPORATE ACTS—RESTRICTION AS TO CONTRACTS.

24. No act or proceeding of a school corporation which is not adopted at a regular or special meeting of the trustees, shall be valid or binding on any party affected thereby, and notice of the meeting is to be given by the secretary to each of the trustees, or by any one of the trustees to the others, by notifying them personally, or in writing, or by sending a written notice to their residences.

Corporate act must be performed at lawful trustee meetings.

(a) A record of the proceedings of such trustee meetings shall be entered in a book of the corporation kept for that purpose, and signed by the senior or presiding trustee.

35 (b) A majority of the trustees, present at a meeting thus called, shall have full authority to perform any lawful business. 23 V., c. 49, s. 7: 34 V., c. 33, s. 22.

25. No public school trustee shall enter into a contract with the corporation of which he is a member, or have any pecuniary claim on, or receive recompense from, such corporation, except for a school site, or as collector of school rates, and in the latter case only when he shall be appointed, and the warrant to him as collector has been signed by the other two members of the corporation, and the seal of the corporation has been attached to the same. 23 V., c. 49, s. 6.

Certain trustee contracts between themselves unlawful.

7. POWERS AND DUTIES OF RURAL SCHOOL TRUSTEES.

1. *Secretary-Treasurer—Collector—Auditor.*
2. *Sites and School Property—Buildings, &c.*
3. *Adequate Accommodations—High School.*
4. *Employment and payment of Teachers*
5. *Obtaining School Moneys—Assessments.*
6. *Admit Residents and non-Residents to School—Visit it themselves*
7. *Text and Library Books—Exercise Corporate Powers.*
8. *Annual and other School Meetings—Section Report.*
9. *Half-yearly Returns and Annual Report to Inspectors.*
10. *Compulsory attendance of Absentee children.*
11. *Secretary-Treasurer or Collector—Maps, &c—Second School—Non-Residents—Indigent persons—Purchase from Booksellers.*

1.—*Secretary-Treasurer—Collector—Auditor.*

Appointment
and duties of
secretary-
treasurer.

26. It shall be the duty of the trustees of every rural school section: 22 V., c. 64, s. 27.

1. To appoint a secretary-treasurer who shall give such security as shall be required by a majority of the trustees;

(a.) The trustees shall deposit the security for safe keeping with the township council; and the security shall be for:— 5
22 V., c. 64, s. 27, No. 1: 34 V., c. 33, ss. 23 and 46.

Security.

(b.) The correct and safe keeping and forthcoming (when called for by the trustees, auditors, or other competent authority) of the papers and moneys belonging to the corporation. 22 V., 10
c. 64, s. 27, No. 1a—23 V., c. 49, s. 8—34 V., c. 33, s. 46.

Records.

(c.) The correct keeping of a record of all the proceedings of the trustees in a book procured by them for that purpose 22 V., c. 64, s. 27, No. 1 b: 23 V., c. 49, s. 7.

Moneys.

(d.) The receiving and accounting for all school moneys collected by school rate, rate-bill, subscription or otherwise, from the inhabitants or ratepayers of the school section, or other parties. 22 V., c. 64, s. 27, Nos. 1c and 10—14: 34 V., c. 33, ss. 23 and 46, 37 V.

Disbursing.

(e.) The disbursing of such moneys in the manner directed by the majority of the trustees. 22 V., c. 64, s. 27, No. 1d and 9, 10: 34 V., c. 33, ss. 23 and 46.

(f.) And for the paying over, at the end of every half-year, to the order of the inspector, the amount of money which is in such secretary-treasurer's hands,—being teachers' superannuation money which said inspector has deducted from the salary or salaries of male teacher or teachers employed by the trustees during each such half-year, or which is payable to the superannuated teachers' fund. 34 V., c. 33, s. 43: 37 V., s. 48.

Appointment
and Duty of
School Col-
lector.

2. To appoint some fit and proper person, or one of themselves, to be a collector (who may also be secretary-treasurer), to collect the rates imposed by them upon the ratepayers of their school section, or the sums which the inhabitants or others may have subscribed, or a rate-bill imposed on any person; and to pay such collector, at the rate of not less than five, or more than ten, per cent. on the moneys collected by him; and every such collector shall give such security as shall be satisfactory to the trustees, which security shall be lodged for safe keeping with the township council by the trustees. 22 V., c. 64, s. 27, Nos. 2 and 10: 23 V., c. 40 35
49, s. 21: 34 V., c. 33, s. 46: 37 V.

3. To appoint, before the first day of December in every year, Auditor.
a fit and proper person to be auditor of their school accounts for
the current year: Provided that if the trustees neglect to
appoint such auditor, or appoint one who refuses to act, the
5 school inspector shall appoint one for them. 23 V., c. 49, s. 8.

4. To lay before the school auditor or auditors their accounts
and other papers, and to give such other information as is re-
quired by the thirtieth section of this Act.

2.—*Sites and School Property—Buildings, etc.*

5. To take possession and have the custody and safe keep- Trustees to ac-
10 ing of all public school property which has been acquired or quire and
given for public school purposes in the section; and to acquire hold School
and hold as a corporation, by any title whatsoever, any land, Property.
movable property, moneys or income given or acquired at any
time for public school purposes, and to hold or apply the same
15 according to the terms on which the same were acquired or
received. 22 V., c. 64, s. 27, No. 3: 37 V.

6. To dispose, by sale or otherwise, of any school site or Trustees may
school property not required by them in consequence of a sell School
change of school site, or other cause, to convey the same under Site or other
20 their corporate seal, and to apply the proceeds thereof to their Property.
lawful school purposes, or as directed by this Act. 23 V.,
c. 49 s. 10.

3.—*Adequate Accommodations—High School.*

7. To provide adequate accommodations for all children of Provide ade-
school age resident in their school section. 34 V., c. 33, s. 2. quate accom-
25 8. To build, repair, rent, warm and furnish the section modations.
school house, or school houses, and keep in order its or their Building, or
furniture, appendages, and the school lands and enclosures otherwise
held by them. 22 V., c. 64, s. 27, No. 4: 34 V., c. 33, ss. 2 and providing
20: 37 V. School Pre-
mises.

30 9. To build or rent, to repair, furnish, warm, and keep in
order a house or houses, and appendages, to be used as a school
house or school houses, when there is no suitable school house
belonging to the section, or when two or more school houses
are required. 22 V., c. 64, s. 27, Nos. 5 and 6: 37 V., s. 41.

35 10. To take no steps after the first day of July, in the year
one thousand eight hundred and seventy-four, to unite their May not unite
school with any high school, which may be within or adjacent with High
to the limits of their section. 22 V., c. 63, s. 7; 29 V., c. 23, School after
s. 5; 22 V., c. 64, s. 27, No. 7: 37 V. 1st July, 1874.

4.—*Employment and Payment of Teachers.*

40 11. To contract in writing with, and employ teachers, assis- Enter into
tants, or monitors for their school section, and to determine the written con-
amount of their salaries. 22 V., c. 64, s. 27, No. 8: 23 V., tracts with
c. 49, s. 12: 37 V. Teachers.

45 12. To give teachers, assistants, or monitors employed by To give orders
them the necessary orders upon the county inspector for the to qualified
school fund apportioned and payable to their school section; Teachers for
but they shall not give an order in favour of any teacher, School
assistant, or monitor, except for the actual time during which Fund.
said teacher, while employed, held a legal certificate of quali-
50 fication. 22 V., c. 64, s. 27, No. 9: 34 V., c. 33, s. 30, No. 4:
37 V.

5.—Obtaining School Moneys—Assessments.

Provide for Salaries and other expenses of the School.

13. To provide for the salaries of teachers and all other expenses of the school, by voluntary subscriptions, rate-bill, where authorized by this Act, or by rate upon property; and to employ all lawful means to collect or otherwise obtain the sums required for such salaries and other expenses. 22 V., c. 64, ss. 20 and 27, No. 10, and ss. 34 and 125: 23 V., c. 49, s. 3: 33 V., c. 34, s. 1: 37 V. 5

Apply to Municipality or may levy Rate themselves.

14. To apply to the township council at or before its meeting in August, or, as they may judge expedient, to employ their own lawful authority, for the levying and collecting by rate, according to the valuation of taxable property, as expressed in the assessor's or collector's roll, all sums for the support of their school, or schools, for the purchase of school sites, the erection or otherwise acquiring of school houses and teacher's residence, and for any other school purposes authorized by this Act to be collected from the freeholders, householders, or tenants of such section. 22 V., c. 64, s. 27, No. 12, and s. 34: 34 V., c. 33, ss. 1 and 20: 37 V. 10

Deficiencies to be made up by additional Rate on Property.

15. To assess and cause to be collected an additional rate, in order to pay the balance of the teacher's salary, and other expenses of such school, should the sums provided be insufficient to defray all the expenses of their school or schools. 22 V., c. 64, s. 27, No. 2, 6 and 10: 34 V., c. 33, s. 1. 20

Make out School Rate and Collector's Warrant.

16. To make out a list of the names of all persons rated by them for the school purposes of such section, and the amount payable by each, and to annex to such list a warrant directed to the collector of the school section, for the collection of the several sums mentioned in such list, whether school rates or rate bills. 22 V., c. 64, s. 27, No. 11; 34 V., c. 33, ss. 1 and 30, No. 2, and s. 31; 37 V., s. 43a. 25

Defaulting residents.

17. To sue for and recover by their name of office the amounts of school rates, rate-bills, or subscriptions due from persons residing outside of the limits of their school section who may make default in payment to the collector. 22 V., c. 64, s. 27, No. 14: 34 V., c. 33, s. 20, No. 2, and s. 31: 37 V. 30

Make Return of Uncollected Rates to Township Clerk.

18. To make a return to the clerk of the township of the amount of any rate imposed by them for school purposes whenever so imposed; and also, before the end of the then current year, to make a return to the clerk of the municipality of the parcels of land of non-residents of their section, and the rates due thereon, which they have been unable to collect. 22 V., c. 64, s. 27, No. 15, and s. 127. 35

6.—Admit Residents and Non-Residents to the School—Visit it themselves.

Admit to School residents—Exception as to Separate Schools.

22 V., c. 65
26 V., c. 5.

19. To permit all residents in the section between the ages of five and twenty-one years to attend the school, so long as they conform to the general regulations and the rules of the school, but such permission shall not extend to the children of persons in whose behalf a separate school has been established, according to the provisions of the Acts respecting the establishment of separate schools. 22 V., c. 64, s. 27, No. 16: 34 V., c. 33, ss. 2 and 3. 45

Admit non-resident pupils

20. To admit, on the same conditions, and on payment in advance of fees, or a rate-bill, not exceeding fifty cents per pupil for every calendar month, any non-resident pupils who 50

reside nearer to such school than to the school in their own section ; and in case of dispute as to the distance from the school, the inspector shall decide. 37 V. s. 41a.

21. To visit, from time to time, every school under their charge, and see that it is conducted according to law and the authorized regulations, and that every school is, at all times, duly provided, at the expense of the school, with Entrance and Daily Registers and a Visitors' Book, in the forms prepared according to law. 22 V., c. 64, s. 27, No. 17, and s. 82, No. 2 : 37 V., s. 50. Visit Schools, and for what.

7.—Text and Library Books—Exercise Corporate Powers.

22. To see that no unauthorized books are used in the school, and that the pupils are duly supplied with a uniform series of authorized text-books, sanctioned and recommended by the Council of Public Instruction, and to procure annually, for the benefit of their school section, some periodical devoted to education. 22 V., c. 64, s. 27, No. 18, and s. 119, No. 5. Proper Text-Books to be used in Schools.

23. To appoint a librarian ; and to take such steps as are authorized by law, and as they may judge expedient, for the establishment, safe keeping and proper management of a school library in their section. 22 V., c. 64, s. 27, No. 19, and s. 119, No. 5. Establish School Section Library.

24. To exercise all the corporate powers vested in them by this Act, for the fulfilment of any contract or agreement made by them ; and in case they or any of them wilfully neglect or refuse to exercise such powers, the trustee or trustees so neglecting or refusing shall be personally responsible for the fulfilment of such contract or agreement. 22 V., c. 64, s. 27, No. 20. Personal Responsibility of Trustees in case of neglect to exercise Corporate Powers.

8.—Annual and other School Meetings—Section Report.

25. To appoint :—

a. The place of each annual school meeting of the assessed freeholders and householders of the section, or of Place of annual school meeting to be appointed by the trustees.

b. The time and place of a special meeting of the same for (1) the filling up of any vacancy or vacancies in the trustee corporation occasioned by death, removal or other cause ; or (2) for the selection of a new school site ; (3) the appointment of a school auditor ; or (4) any other lawful school purpose, as they may think proper ;

c. And they shall cause notices of the time and place, and of the objects of such meetings, to be posted in three or more public places of such section, at least six days before the time of holding such meeting ; Notices.

d. Every such meeting shall be organized, and its proceedings recorded in the same manner as provided for in the thirteenth and three following sections of this Act. 22 V., c. 64, ss. 9—12 and 20 : 23 V., c. 49, ss. 3 and 8.

26. To cause to be prepared and read at the annual meeting of the ratepayers the school report of the trustees for the year then ending, which report shall include, among other things, a summary of their proceedings and of the state of the school during the year, together with a full and detailed account of the receipt and expenditure of all school moneys received and expended in behalf of the section, for any purpose whatever, during such year ; which report shall be signed by the trustees and by either or both of the school auditors of the section. 22 V., c. 64, s. 27, No. 21 : 34 V., c. 33, s. 21. Prepare and Read Report at Annual Meeting.

9.—*Half-yearly Returns and Annual Report to Inspectors.*

Make Half-
Yearly Report
to County
Inspector.

27. To transmit to the County Inspector, on or before the *thirtieth day of June*, and the *thirty-first day of December* in each year, a correct return of the average attendance of the resident and non-resident pupils in the school or schools under their charge during the *six months* then immediately preceding. 5
22 V., c. 64, s. 27, Nos. 6 and 22, and ss. 126, and 138.

Yearly report
to Inspector.

28. To ascertain the number of children between the ages of five and sixteen years residing in their section on the *thirty-first day of December* in each year, and to prepare and transmit annually, on or before the *fifteenth day of January*, a report to 10
the County Inspector, signed by a majority of the trustees, and made according to a form provided by the Chief Superintendent of Education, and shall specify therein among other things:

Contents.

(1) The whole time the school in their section was kept open by a qualified teacher, during the year ending on the *thirty-first day of the previous December*. 15

(2) The amount of moneys received for the school fund, from local rates or contributions, and from other sources, distinguishing the same; and the manner in which all such moneys were expended. 20

(3) The whole number of children residing in the school section, over the age of *five* years, and under the age of *sixteen*; the number of children and young persons taught in the school in winter and summer, distinguishing the sexes, and those who were over and under *sixteen* years of age; and the average attendance of pupils in both winter and summer; but the trustees of the public school sections, within the limits of which, one or more separate school sections are established, as hereinafter provided, shall not, in their return of children of school age residing in their school sections, include the children attending such separate school or schools. 25 30

(4) The branches of education taught in the school; the numbers of pupils in each branch; the text-books used; the number of public school examinations; visits and lectures, and by whom made or delivered, and such other information respecting the school premises and library as may be required. 22 V., c. 64, s. 27, No. 23. 35

10. *Compulsory attendance of absentee children.*

Trustees to
ascertain
names of
absentee
children.

27. It shall also be the duty of the trustees of every rural school section: 40

1. To ascertain before the *thirty-first day of December* in every year, through the assessor, collector, or some other person to be appointed for that purpose, and paid by them, the names, ages and residences of all the children of school age in their school section, distinguishing those children—between the 45
ages of seven and twelve years—who have not attended any school (or who have not been otherwise educated), for four months of the year, as required by the one hundred and fifty-sixth section of this Act.

Notify parents.

2. To notify personally, or by letter or otherwise, the parents 50
or guardians of such children of the neglect or violation on their part of the provisions of said one hundred and fifty-sixth section.

3. In case, after having been so notified, the parents or guardians of such children continue to neglect or violate the provisions of the said one hundred and fifty-sixth section of this Act. 55

4. It shall be the further duty of the trustees either to impose a rate-bill on such parents or guardians not exceeding one dollar per month for each of their children not attending school; or
- 5 6. To make complaint of such neglect or violation to a magistrate having jurisdiction in such cases, provided by the one hundred and fifty-ninth section of this Act, and to deliver to said magistrate a statement of the names and residences of the parents or guardians of such children. 37 V., ss. 10 42 and 43.
11. *Secretary, Treasurer or Collector—Maps, &c.,—Second School—Non-Residents—Indigent persons—Purchase from Booksellers.*
28. It shall be competent for rural school trustees, and they shall have authority:
1. To appoint one of themselves secretary-treasurer or collector of school rates or rate-bills, on the conditions prescribed 15 by this Act. 22 V., c. 64, s. 27, No. 2.
 2. To do whatever they may deem expedient in regard to procuring apparatus, maps, prize, library and text-books for their school. 22 V., c. 64, s. 27, Nos. 4 and 19.
 3. To apply either to the township council, or employ their 20 own lawful authority (as they may judge expedient) for the levying or collecting of any school rate required to be imposed upon the taxable property in their section. 22 V., c. 64, s. 27, Nos. 12, s. 34.
 4. To select the site and establish and maintain an additional 25 school or additional schools in the section, with the concurrence of the inspector, where from the large size of the section, its physical conformation, or from any other cause, the children of the section are unable to attend the school established therein. 22 V., c. 64, s. 27, No. 6; 37 V., s. 41.
 - 30 5. To procure or erect the necessary buildings for such additional school or schools;
 - (a) Every such school shall be subject to the same regulations and obligations as public schools generally. 22 V., c. 64, s. 27, No. 6, 37.
 - 35 6. To admit, at their discretion, non-resident pupils to their school, on payment in advance, of fees or rate-bill not exceeding fifty cents a month per pupil;
 - (a) This discretion on the part of the trustees, does not 40 apply to the non-residents mentioned in clause twenty of the twenty-sixth section of this Act. 37 V., s. 41a.
 7. To exempt, in their discretion, from the payment of school rates, wholly or in part, any indigent persons, and to charge the amount of such exemption upon the other ratable inhabitants of the school section, but the same shall not be 45 deducted from the salary of a teacher. 22 V., c. 64, s. 27, No. 13.
 8. To purchase, at their discretion, from any bookseller or other parties, instead of at the Depository of the Education Department, any library or prize books sanctioned by the 50 Council for the public and high schools and collegiate institutes, as provided by this Act. 37 V., s. 71,

Impose a rate-bill or make complaint to magistrate.

Two or more schools in a section authorized.

Condition.

Non-resident pupils may be admitted on payment of fee.

Trustees may exempt indigent persons.

Purchase of library and prize books.

11.—*Powers of Rural School Collector.*

Power of
rural school
collector.

29. Each rural school collector, by virtue of a warrant signed by a majority of the trustees, shall have the same powers, in collecting the school-rate, rate-bill or subscriptions,—shall be under the same liabilities and obligations, and shall proceed in the same manner in his school section and township, as a township collector does in his municipality, in collecting rates in a township or county, as provided in the Municipal Corporation and Assessment Acts. 22 V., c. 64, s. 27, Nos. 2 and 10—12: 10 23 V., c. 49, s. 21: 34 V., c. 33, s. 30, No. 2, and s. 31.

8. RURAL SCHOOL SECTION AUDITORS.

Annual Ap-
pointment of
Auditors of
School Section
Accounts.

30. In order that there may be accuracy and satisfaction in regard to the school accounts of school sections, it is provided in this Act:—

15

1. That there shall be two auditors of school accounts for every section.

2. That the auditors thus appointed, or either of them, shall, on or after the *first* day of *December* in each year, forthwith appoint a time, before the day of the next ensuing annual school meeting, for examining the accounts of the school section. 23 V., c. 49, s. 8.

Trustees to
submit their
School
Accounts to
the Auditors.

3. It shall be the duty of the trustees, or their secretary-treasurer to lay all their accounts before the school auditors of the section, or either of them, together with the agreements, vouchers, contracts, books, &c., in their possession. 23 V., c. 49, s. 8: 34 V., c. 33, s. 46.

4. Such trustees or their secretary, treasurer, shall afford to the auditors, or either of them, all the information in their power as to their receipts and expenditures of school moneys in behalf of their school section. 23 V., c. 49, s. 8: 34 V., c. 33, s. 46.

31. It shall be the duty of the auditors of every school section:—

1. To examine into and decide upon the accuracy of the accounts of such section, and whether the trustees have truly accounted for and expended for school purposes the moneys received by them;

Powers and
Duties of
School Section
Auditors.

2. To submit the said accounts, with a full report thereon, at the next annual school meeting;

3. If both of the auditors object to the lawfulness of any expenditures made by the trustees, they shall submit the matters in difference to such meeting, which may either determine the same, or submit the matter to the Chief Superintendent, whose decision shall be final;

4. The auditors shall remain in office until their audit is completed;

Difference of
opinion.

5. In case of difference of opinion between the auditors on any matter in the account, it shall be referred to and decided by the County Inspector. 23 V., c. 49, s. 8: 34 V., c. 33, s. 12.

32. It shall be competent for the auditors, or either of them:—

Power of
Auditors to
Examine.

1. To require the attendance of all or any of the parties interested in the accounts, and of their witnesses, with all such books, papers and writings, as such auditor or auditors may direct them or either of them to produce;

55

2. To administer oaths to such parties and witnesses. 23
V., c. 49, s. 8; 22 V., c. 64, s. 85.

3. To issue their or his warrant to any person named therein, to enforce the collection of any moneys by them 5 awarded to be paid, and the person named in such warrant shall have the same power and authority to enforce the collection of the moneys mentioned in the said warrant, with all reasonable costs, by seizure and sale of the property of the party or corporation against whom the same has issued, 10 as any Bailiff of a Division Court has in enforcing a judgment and execution issued out of such court. 23 V., c. 49, s. 8; 22 V., c. 64, s. 86.

Warrant of Auditor equivalent to Execution of Division Court.

4. To report the result of their or his examination of the accounts of the year to the annual school meeting next after 15 their or his appointment, when the annual report of the trustees, signed by the trustees and auditors, shall be presented to such meeting. 23 V. 49, s. 8; 34 V. c. 33, s. 21.

Auditors to present report to meeting.

9. SELECTION OF RURAL SCHOOL SITES.

1. *Two modes of selecting School Sites.*
2. *Compulsory Sale of School Site in certain cases.*
3. *Arbitrations—Remedial Provisions.*
4. *Titles to School Sites and other Property.*

1. *Two modes of selecting School Sites.*

33. No steps shall be taken by the trustees of any school section for procuring a school site on which to erect a new 20 school house, or for changing the site of an established school house, without calling a special meeting of the assessed freeholders and householders of their section to consider the matter. 22 V., c. 64, s. 30.

New School Site to be authorized by Special Meeting.

34. In case of a difference as to the choice of a site for a school 25 house between a majority of the trustees and a majority of the assessed freeholders and householders at such special meeting, each party shall choose an arbitrator, and the County Inspector, or, in case of his inability to attend, any person appointed by him to act on his behalf, shall be a third arbitrator, and such 30 three arbitrators, or a majority of them present at any lawful meeting, shall have authority to make and publish an award upon the matter or matters submitted to them; Award.

(a) With the consent, or at the request of the parties to the reference, the arbitrators, or a majority of them, shall have 35 authority within three months from the date of their award, to reconsider such award and make and publish a second award, which award (or the previous one, if not reconsidered by the arbitrators) shall be binding upon all parties concerned, for at least one year from the date thereof. 22 V., c. 64, s. 30; 37 V.

2. *Compulsory Sale of School Site in certain Cases.*

40 35. On the selection of land, as authorized by this Act, for a rural school site, on which to erect a school house and necessary buildings, or for enlarging existing school premises, it is provided as follows:—

Owner of land must sell School Site selected,

(1) If the owner of such land shall refuse to sell the same, or 45 shall demand therefor a price deemed unreasonable by the trus-

tees of any section, the proprietor of such land, and the trustees, shall each forthwith select an arbitrator;

(2) The arbitrators thus chosen, together with the County Inspector, or any two of them, shall appraise the damages to the owner of such land;

(3) Upon the tender of payment of the amount of such damages to the owner by the school trustees, the land shall be taken and used for the purpose aforesaid;

Exception

(4) Nothing herein contained, shall authorize the selection in a township of a site within a hundred yards of a garden, orchard, 10 pleasure ground or dwelling house of the owner of such site, without the consent of such owner.

(5) Nothing in this section shall be held to restrict trustees in the enlargement of a school site, existing at the passing of this Act, to the required dimensions:

15

(6) No such enlargement shall be made in the direction of the orchard, garden or dwelling house, without the consent of the owner of the land required, unless the school site cannot be otherwise enlarged; nor shall it, without the consent of such owner, include any part of his garden, or the grounds attached 20 to his dwelling-house.

(7) Any award for a school site made and published under this section, if there be no conveyance, shall thereafter be deemed to be the title of the trustees to the land mentioned in it, and shall be a good title thereto against all persons interested in the property in any manner whatever, and shall be registered 25 in the registry office on the affidavit of one of the trustees verifying the same. 34 V., c. 33, s. 17: 37 V., ss. 40 and 66b.

3. Arbitrations—Remedial Provisions.

Appointment
of School Site
Arbitrators.—
Their powers.

36. Should the majority of the school trustees, or the majority of a public school meeting, neglect or refuse, in case of a difference in regard to a school site, to appoint an arbitra- 30 tor, as provided in the thirty-fourth section of this Act, or should the owner of land selected as a school site, as provided by the thirty-fifth section of this Act, neglect or refuse to appoint an arbitrator, it shall be competent for the County Inspector, with the arbitrator appointed, to meet and determine the matter, and 35 the County Inspector, in case of such refusal or neglect, shall have a second or casting vote, provided they should not agree. 34 V., c. 33, s. 25.

Proceedings
where an
arbitrator is
absent.

37. Should only a majority of the arbitrators appointed to decide any case arising under the authority of this Act be pre- 40 sent at any lawful meeting, in consequence of the neglect or the refusal of their colleague to meet them, it shall be competent for those present to make and publish an award upon the matter or matters submitted to them, or to adjourn the meeting for any period not exceeding ten days, and give the 45 absent arbitrator notice of the adjournment. 34 V., c. 33, s. 26.

4. Titles to School Sites and other Property.

Who may con-
vey school
sites.

38. All Corporations and persons whatever, tenants in tail or for life, guardians, executors, administrators, and all other trustees whatsoever, not only for and on behalf of themselves, their heirs and successors, but also for and on behalf of those 50

they represent, whether infants, issue unborn, lunatics, idiots, femes-converts, or other persons, seized, possessed of or interested in any land may contract for, sell and convey all or part thereof to school trustees for a school site, or an addition
 5 to the school site, or for a teacher's residence; and any contract, agreement, sale, coveyance and assurance so made shall be valid and effectual to all intents and purposes whatsoever; and the Corporations or persons so conveying are hereby indemnified for what they respectively do by virtue of or in pursuance of
 10 this Act:

(2) If the owner of land duly selected for the said purpose is absent from the county in which the land lies, or is unknown, the trustees may procure from a sworn surveyor a certificate that he is not interested in the matter; that he knows the land,
 15 and that some certain sum therein named is, in his opinion, a fair compensation for the same; and on filing the said certificate with the judge of the county court of the county in which the land lies, accompanied by an affidavit or affidavits which shall satisfy the judge that the owner is absent from the county, and
 20 that after dilligent enquiry, he cannot be found, the judge may order a notice to be inserted for such time as he shall see fit in some newspaper published in the county; and he may, in addition thereto, order a notice to be sent to any person by mail, or may direct service of the same to be effected in any other way
 25 as he shall see fit;

(3) The said notice shall contain a short description of the land; a declaration of the readiness of the trustees to pay the sum certified as aforesaid; shall give the name of a person to be appointed as the arbitrator of the trustees if their offer of
 30 that sum be not accepted; shall name the time within which the offer is to be accepted, or an arbitrator named by the owner; and shall contain any other particulars which the county judge may direct;

(4) If within such time as the judge directs, the owner does not notify the trustees of the acceptance of the sum offered by
 35 them, or notify to them the name of a person whom he appoints as arbritrator, she judge shall, on the application of the trustees, appoint a sworn surveyor to be sole arbitrator for determining the compensation to be paid for the property;

(5) Where land is taken by the trustees without the consent of the owner, the compensation to be paid therefor shall stand in the stead of the land; and after the trustees have taken possession of land, any claim to or incumbrance upon the same or any portion thereof, shall, as against the trustees, be converted
 45 into claim to the compensation, or to a proportion thereof, and the trustees shall be responsible accordingly whenever they have paid such compensation or any part thereof to a party not entitled to receive the same, saving always their recourse against such party;

(6) If the trustees have reason to fear any claims or incumbrance, or if any party to whom the compensation or any part thereof is payable, refuses to execute the proper conveyance, or if the party entitled to claim the same cannot be found or is unknown to the trustees, or if for any other reason the trustees
 50 deem it advisable, they may pay the arbitration and other expenses, and deposit the amount of the compensation with the county treasurer, or in such other manner as the Inspector may direct, with interest thereon for six months, and may deliver therewith an authentic copy of the conveyance, or of the agree-

Remedy in case of absence of owner.

What notice shall contain.

Arbitrators.

Judge may appoint one.

Responsibility of trustees as to compensation.

In case of incumbrance.

Deposit of compensation money.

Award to be registered. ment or award if there be no conveyance ; and such agreement or award shall thereafter be deemed to be the title of the trustees to the land therein mentioned, and shall be a good title thereto against all persons interested in the property in any manner whatever, and shall be registered in the registry office 5 on an affidavit of one of the trustees varifying the same.

10. ESTABLISHMENT OF SCHOOL SECTIONS IN UNORGANIZED TOWNSHIPS.

Formation of School Sections in unorganized Townships. **39.** In unorganized townships in any county or district it shall be lawful for the Stipendiary Magistrate thereof and the Public School Inspector (if any) of the County or District, or for the Stipendiary Magistrate alone, if there be no Inspector, 10 and for the Inspector alone, if there be no Stipendiary Magistrate, to form a portion of a township, or of two or more adjoining townships, into a School Section : Provided that no such section shall, in length or breadth, exceed five miles in a straight line ; and, subject to this restriction, the boundaries may be 15 altered by the same authority from time to time, and the alteration shall go into operation on the twenty-fifth day of December next after such alteration : Provided further that no such school section shall be formed except on the petition of five heads of families resident therein. 37 V., s. 56. 20

Proviso.

Proviso.

Election of School Trustees. **40.** After the formation of such a school section, it shall be lawful for any two of the petitioners, by notice posted for at least six days in not less than three of the most public places in the section, to appoint a time and place for a meeting for the election, as provided by law, of three school trustees for the 25 section. 37 V., s. 57.

Trustees' powers and obligations. **41.** The Trustees elected at such meetings, or at any subsequent school meetings of the section, as provided by law, shall have all the powers and be subject to all the obligations of Public School Trustees generally. 37 V., s. 58. 30

Annual Assessment Roll. Revision of Assessment Roll. **42.** The Trustees so elected shall annually appoint a duly qualified person to make out an assessment roll for the section, and shall transmit a certified copy thereof to the Stipendiary Magistrate (or Inspector) ; and it shall be the duty of the Stipendiary Magistrate, or of the Inspector, if there be no 35 Stipendiary Magistrate, to examine the said roll, and correct any errors or improper entries which he shall perceive therein. 37 V., s. 59.

Revision of Assessment Roll. **43.** A copy of the said roll, as so corrected, shall be open to inspection to all persons interested, at some convenient place in 40 the section, notice whereof, signed by the Stipendiary Magistrate, or Inspector if there be no Stipendiary Magistrate, is to be annually posted in at least three of the most public places in the section, and shall state the place and the time at which the Magistrate or Inspector will hear appeals against said assess- 45 ment roll ; and such notice shall be posted as aforesaid by the Trustees for at least three weeks prior to the time appointed for hearing the appeals. 37 V., s. 60.

Appeal. Manner of appeal. **44.** All appeals are to be made in the same manner and after the same notice, as nearly as may be, as appeals are made to a 50

Court of Revision in the case of ordinary municipal assessments, and the Magistrate (or Inspector) shall have the same powers as such Court of Revision. 37 V., s. 61.

45. The annual roll, as finally passed and signed by the Magistrate (or Inspector,) shall be binding upon the trustees and rate-payers of the section until the annual roll for the succeeding year is passed and signed as aforesaid. 37 V., s. 62.
- Confirmed Roll binding.

PART III.—DUTIES AND POWERS OF TOWNSHIP COUNCILS.

I. DUTIES OF TOWNSHIP COUNCILS.

1. *Form or Unite Rural School Sections.*
2. *Rural School Assessments and Loans.*

46. It shall be the duty of every township council :—

1. *Form or Unite Rural School Sections.*

1. To form portions of the township, where no schools have been established, into school sections;
 - 10 (a) No section shall be formed which shall contain less than fifty resident children, between the ages of five and sixteen years, unless the area of the section shall contain more than four square miles. 22 V., c. 64, s. 39 : 34 V., c. 33, s. 15.
 2. To unite two or more sections into one, in case (at a public meeting in each section called by the trustees or County Inspector for that purpose), a majority present of the assessed freeholders and householders of each of the sections request to be united. 22 V., c. 64, ss. 20, 25 and 41.
 - 15 3. To appoint a person in a new or united school section to call its first school section meeting; and cause such person to be notified by the township clerk in the manner prescribed in the eleventh section of this Act. 22 V., c. 64, ss. 39 and 42.
- Council to form new School Sections, their size.
- Union of existing sections; Meetings to be called.

2. *Rural School Assessments and Loans.*

4. To cause the clerk of the township to furnish the County Inspector of schools with a copy of all the proceedings of the council relating to the formation or alteration of school sections, all school assessments, and other educational matters. 22 V., c. 64, s. 48.
 - 25 5. To levy, by assessment upon the taxable property in any school section, such sum as may be required by the trustees thereof for the purchase of a school site, the erection, repair, rent, furniture, and fittings of a school house and its appendages, the erection and repair of fences, outbuildings, or the rent, purchase, or erection of teacher's residence, the purchase of maps, apparatus, text, library and prize books for the school, and salary of the teacher, assistant, or monitor, as may be determined by such trustees. 22 V., c. 64, s. 34 : 23 V., c. 49, s. 3 : 34 V., c. 33, ss. 1 and 20 : 37 V.
 - 35 6. To issue a debenture or debentures, in the form given in Schedule A to this Act, for the amount made to the school trustees of any section or union section (should the council, under the authority of sub-section (2) of section forty-eight of this Act,
- Township clerk to furnish information to county inspector.
- Council to impose certain payments as required by Trustees,
- School loans.

grant to the trustees authority to borrow money) any loan which the council may authorize the trustees of such school section to make, together with a sufficient sum for the payment of the interest on the sum so borrowed, and a proportionate sum sufficient to form a sinking fund to pay off the principal at any time within ten years. 22 V., c. 64, s. 35: 37 V. 5

Levy rate.

7. To cause to be levied in each year, upon the taxable property of the school concerned (and upon such other taxable property as is herein made liable in case of an alteration in the boundaries of the section or division) a sum sufficient to pay the interest on the amount borrowed by the trustees on the authority of the council, and also a sum sufficient to pay off the principal during any period not exceeding ten years, as may be agreed upon by the trustees and the lender of the money; 10

Principal and interest.

Proviso—
Liability of
old section.

(a) Notwithstanding any alteration which may be made in the boundaries of such section or division, the taxable property situated in the school section or division at the time when such loan was effected, shall continue to be liable for the rate which may be levied by the township council for the repayment of the loan; 15

(b) If such rate be not paid, it may be collected by the Township Council, by distress and sale of goods and chattels, or by suit in the Division Court. 22 V., c. 64, s. 35: 37 V. 20

Township
valuators to
estimate value
of each school
section
property.

8 To appoint the county inspector, jointly with two other competent persons, before giving effect to the section of this Act, for the formation of township boards of public school trustees, to value the existing school houses, school sites, and other school property in each and every section of the township; 25

9. To adjust upon their report the claims of every school section, in regard to the estimated value in said report of its school house, site and other property, in such manner as the township council may deem just and equitable. 30

Remuneraiton
to valuator.

10. To pay to the inspector and other persons, while engaged in the valuation of school sites and other school property and reporting thereon, an allowance per day and for travelling expenses of not less an amount than that paid to a member of the county council for attendance at its meetings. 35

Council not to
levy more
than one rate
except in cer-
tain cases.

47. No township council shall levy and collect in any school section during any one year more than one school section rate, except for the purchase of a school site, or for the erection of a school house; and no such council shall give effect to any application of trustees for the levying or collecting of rates for school purposes, unless the trustees of the school section make the application to the council at or before its meeting in August of the year in which the application is made. 22 V., c. 64, s. 36. 40 45

II. POWERS OF TOWNSHIP COUNCILS.

1. *Establish Township School Boards.*
2. *Authorize, or make Loans to School Trustees—Teachers' Salaries.*
3. *Provide School Houses, Library, Model School, etc.*
4. *Alteration of School Boundaries.*
5. *Township Assessors and Clerk.*

1. *School Section Assessment Roll—Mistakes.*
2. *Duties of County Clerks.*

48. Every township council shall have authority to pass by-laws for the following purposes:—

1. *Establish Township School Boards.*

- (1) To abolish the division of a township into school sections and to authorize the establishment of a Public School Board for the township, in case a majority of the resident assessed freeholders and householders in at least two-thirds of the school sections of the township, (at public meetings in the school sections separately called for that purpose by the respective trustees of every section, or by the County Inspector,) express a desire that such local school sections should be abolished, and that all their schools should be conducted under one system and one management, like the schools in cities and towns;
- (a) On the passage of such a by-law, all the Public schools of the township shall be managed by one board of five trustees;
- (b) One of these five trustees shall be chosen in and for each ward, if the township be divided into wards, and if not so divided, then the whole number of the trustees shall be chosen in and for the whole township;
- (c) The election of the trustees shall be held at the time and in the manner prescribed in the fourth, eleventh, and four following sections of this Act;
- (d) The trustees so elected shall be a corporation, under the name of "The Public School Board of the Township of _____, in the County of _____," and shall be invested with the same powers, and be subject to the same obligations, as trustees in cities and towns, by the eightieth section of this Act.
- 22 V., c. 64, ss. 20, 25, No. 2, and s. 32: 23 V., c. 49, s. 3: 34 V., c. 33, s. 14.

All the sections of a Township may be united and a Township Board elected.

2. *Authorize or make Loans to School Trustees—Teachers' Salaries.*

2. To grant to the trustees of any school section, on their application, authority to borrow any sums of money which they may think necessary for the purchase of school sites, for the erection or repair of a school house or school houses and their appendages, or for the purchase or erection of a teacher's residence. 22 V., c. 64, s. 27, Nos. 4 and 10: 34 V., c. 33, s. 20, 37 V., s. 38.
3. To set apart surplus moneys for educational purposes, and to invest the same either in a loan or loans to school trustees or otherwise, as authorized by the one hundred and section of this Act. 36 V., c. 48, ss. 270 and 271,

Council may authorize Trustees to borrow money for special purposes, provide for repayment.

Apportion rates or other moneys according to rate of teachers' salaries.

4. To apportion at its discretion either out of moneys raised by rate, or out of any other moneys at its disposal and not otherwise specifically appropriated, a sum to all of the public schools in the township equal to such proportion as the council may see fit of the actual salaries paid in the respective school sections during the year then last past to the public school teachers of such sections. 37 V., s. 37. 5

3. *Provide School Houses—Library—Model School.*

Real property. Support schools.

5. To provide for obtaining such real property as may be required for the erection thereon of public school houses, and for other public school purposes; and for providing any additional sums for the establishment and support of public schools, according to this Act. 36 V., c. 48, s. 379, No. 6. 10

Council may establish Libraries.

6. To levy such sums as it judges expedient for purchasing books for a township library, under such regulations as are provided in that behalf. 22 V., c. 64, s. 37. 15

Council may establish, and be Trustees of Model School.

7. To levy such sums as it judges expedient for procuring the site, and for the erection and support of a township model school; and in such event the members of such township council shall be the trustees of such model school, and shall possess the powers of public school trustees in respect to all matters affecting such model school. 22 V., c. 64, s. 37. 20

Public Schools may be united with Township Model School.

8. To give its consent to the merging, by the trustees of any one or more public schools, at their discretion, of their schools into such model schools; Provided that tuition to student teachers in such model school shall be free. 22 V., c. 64, s. 38. 25

Correct mistakes.

9. To correct any omission or mistake in the assessor's or collector's school roll. 34 V., c. 33, s. 30, No. 5.

4. *Alteration of School Boundaries.*

Alteration of existing sections; Notice to be given.

10. To alter the boundaries of a school section, in case it clearly appears that all parties to be affected by the proposed alteration in such boundaries have been duly notified of the proposed alteration by the council, or of any application made to it to do so. 22 V., c. 64, s. 40. 30

(a.) Any alteration in the boundaries of a school section made at any previous time by a Township Council, or the neglect or refusal of the Council to alter such boundaries at the request of the trustees of the school section concerned, or of the Inspector, may be appealed against to the County Council, as provided in section of this Act. 37 V. 35

School section boundaries must be altered by 1st May.

49. Every alteration made in the boundaries of a rural school section by a Township Council, under the restrictions imposed in the Public School Acts, shall be by by-law, which by-law shall be passed not later than the first day of May in any year; and it shall be the duty of the Township Clerk to send forthwith, after the by-law has been passed, a written notice of the alteration to the trustees of every school section affected by the alteration, and to the Public School Inspector. 40 45

Notice.

Union section and division boundaries to be made by reeves and inspectors, &c.

50. Every alteration in the boundaries of a union school section or division shall (under the restrictions imposed by this Act,) be made, in the case of the townships, by the reeves or deputy reeves of the townships and the inspector of the county or counties; and in the case of towns and villages, by the reeves 50

or deputy reeve, the county inspector or inspectors, and a person appointed by the Public School Board as its representative for this purpose; and the alteration is to be made by a majority of the said persons who may be present at a lawful meeting called for that purpose. 37 V. Majority present.

51. Every union school section or division, composed of portions of adjoining townships or portions of a township or townships, and a town or incorporated village, shall, for the purposes of the election of trustees, be deemed one school section or division, and shall be considered in respect to inspection and taxation for school purposes, as belonging to the township, town or village in which the school house is situated. 37 V. Elections of trustees inspection and taxation in union school sections and divisions,

52. On the formation or alteration of a union school section or division, under the authority of this Act, it shall be the duty of the county inspector concerned, forthwith to transmit a copy of the resolution, by which the formation or alteration was made, to the clerk of the municipality affected by the resolution. 34 V. c. 33, s. 18. Formation and alteration of union sections — inspectors's duty.

53. It shall be the duty of the mayor, reeve or deputy-reeve of the municipality concerned, and of the county inspector annually to equalize the assessment of every union school section or division. 37 V. Assessment equalized.

54. The first election in a new or united section shall be appointed and held in the same manner as is provided for in the eleventh and five following sections of this Act. 22 V., c. 64. First election in such united sections.

55. The several parts of any altered or united school sections shall have respectively the same right to a share of the public school fund for the year of the alteration or union, as if they had not been altered or united. 22 V., c. 64, s. 43. Share of school fund not affected.

56. In case a school site, or school house, or other school property be no longer required in a section, in consequence of the alteration or the union of school sections, the same shall be disposed of by sale or otherwise, in such manner as a majority of the assessed freeholders and householders in the altered or united school sections may decide at a public meeting called for that purpose; and the inhabitants transferred from one school section to another, shall be entitled, for the public school purposes of the section to which they are attached, to such a proportion of the proceeds of the sale of such school house or other public school property, as the assessed value of their property bears to that of the other inhabitants of the school section from which they have been so separated; and the residue of such proceeds shall be applied to the erection of a new school house in the old school section, or to other public school purposes of such old section. In the case of united sections, the proceeds of the sale shall be applied to the like public school purposes of such united sections. 22 V., c. 64, s. 44. Disposal of school property when not wanted.
Altered sections.
United sections.

57. No alteration in the boundaries of a school section, union section or other school division, shall take effect before the twenty-fifth day of December next, after the alteration has been made. 22 V., c. 64, s. 40; 23 V., c. 49, s. 5. Alterations not to take effect before the 25th December.

5. Township Assessors and Clerk.

1. School Section Assessment Rolls—Mistakes.

- Assessors to value Lands situated in each section.** **58.** Whenever the lands or property of any individual or company are situated within the limits of two or more school sections, each assessor appointed by any-municipality, shall assess and return on his roll, separately, the parts of such lands or property, according to the divisions of the school sections within the limits of which such lands or property may be situate; 5
- Undivide** (a) Every undivided occupied lot, or part of a lot, shall only be liable to be assessed for school purposes in the school section where the occupant resides. 22 V., c. 64, s. 33. 10
- Township Roll to be furnished to the Trustees.** **59.** Any township officer, having possession of the assessor's or collector's roll is hereby required to allow any one of the trustees, or their authorized collector, to make a copy of such roll, as far as it relates to their school section: 10
- Mistakes and omissions.** (a) In case of any omission or mistake in the roll, the Township Council shall have authority to correct it. 22 V., c. 64, s. 27, No. 12: 34 V., c. 33, s. 30, No. 5. 15

2. Duties of Township Clerks.

- Township clerk to prepare maps of school sections.** **60.** It shall be the duty of every Township Clerk:—
- (1) To prepare in duplicate, a school map of the township, shewing the divisions of the township into school sections and parts of union school sections. 22 V., c. 64, s. 49. 20
- Information to county clerk.** (2) To furnish one copy of such map to the county clerk, for the use of the county council, and retain the other in the township clerk's office, for the use of the township corporation. 22 V., c. 64, s. 49. 25
- To school inspector.** (3) To furnish the County Inspector with the information required by the fourth clause of the thirty-ninth section of this Act. 22 V., c. 64, s. 48. 25
- To county treasurer.** (4) To make a return to the county treasurer of any parcel of land liable to assessment, and of the uncollected school rates thereon, as returned to him by the rural school trustees of any section, as provided by this Act. 22 V., c. 64, s. 127. 30
- To county clerk.** (5) To make within one week after the first day of January, returns to the clerk of his county, of the total expenditure of the township on account of schools and education, including the information given to him by rural school trustees, as required by the nineteenth clause of the twenty-sixth section of this Act. 29-30 V., c. 51, s. 156. 35
- To rural school trustees.** (6) To allow any one of the rural school trustees, or their authorized collector, to make a copy (so far as it relates to their section) of the township assessor's or collector's roll, if he have possession of such roll. 22 V., c. 65, s. 27, No. 12. 40
- New section.** (7) To give notice to the person appointed by the Council to call the first school meeting in a new or united section, as provided in the thirty-ninth section of this Act. 22 V., c. 64, ss. 7, 39 and 42. 45
- (8) To send forthwith, (after a by-law shall have been passed by the Township Council, altering the boundaries of a School Section), a written notice of the alteration to the trustees of every school section affected by the alteration, and to the Public School Inspector, 37 V. 50

PART IV.—DUTIES AND POWERS OF COUNTY MUNICIPAL COUNCILS.

I. DUTIES OF COUNTY COUNCILS.

II. DISCRETIONARY POWERS OF COUNTY COUNCILS.

III. SALARIES OF TEACHERS—OFFICERS.

1. *Levy Equivalent to Legislative Grant.*
2. *Appoint County Public School Inspectors.*
3. *Appoint County Board of Examiners.*
4. *Appoint Auditors.*
5. *Exact Security, and allow no Deduction from School Fund.*

1. *Levy equivalent to Legislative Grant.*

61. It shall be the duty of every County Council:—

To raise equivalent to Legislative school grant.

- (1) To cause to be levied yearly upon the several townships of the county, for the payment of the salaries of legally qualified public school teachers, assistants or monitors, such sums of money as shall be at least equal (clear of all charges of collection) to the amount of school money apportioned by the Chief Superintendent of Education to the several townships of said county for the year, and notified by him to the council through the county clerk. 22 V., c. 64, s. 50. 37 V.

2. *Appoint County Public School Inspectors*

- (2) To appoint and pay quarterly the county salary of one or more persons holding the necessary certificate of qualification (as prescribed by this Act), to be inspector or inspectors of public schools in the county, who shall each have charge of not more than one hundred and twenty, or less than fifty, schools each;

Appointment of School Inspectors in Counties.

- (a) It shall not be necessary to appoint more than one inspector in each riding of a county;

- (b) In counties containing any municipality wherein the French or German language is the common or prevailing language, an inspector may have charge of any number of schools not less than forty;

French or German.

- (c) In Counties where there are or shall be more than fifty public schools, the county council may appoint two or more persons (according to the number of schools), holding such certificates, to be inspectors, and prescribe and number the territorial limits of each;

- (d) In a county where there are two or more county inspectors, the council of such county may, from time to time, change or remove the inspectors from one circuit or riding of the county to another. 34 V., c. 33, ss. 5, 8, and 10.

Change inspectors.

- (e) The county remuneration of an Inspector, shall not be less than five dollars per school per annum, to be paid quarterly by the county council.

- (f) Every county School Inspector shall be entitled to an allowance from the county council, including travelling expenses, of such an amount as the council may determine, when not fixed by law, for performing the following additional duties:—

Additional allowance to County Inspectors.

- (1) Equalizing annually, with the mayors, reeves, or deputy reeves, as required by law, the assessments in union school sections or divisions.

Equalising Assessments

Visiting new Townships.

(2) Visiting and inspecting schools, and giving special certificates to teachers in new and remote townships, under the authority of this Act.

Dismissal of County Inspectors.

(3) To fill up, from among those legally qualified, any vacancy in the office of County Inspector caused by death, resignation, dismissal or other cause :

(a) No inspector dismissed shall be reappointed, without the concurrence of the party who has dismissed him. 22 V., c. 63, s. 89 : 34 V., c. 33, s. 8.

3. *Appoint County Board of Examiners.*

Examination of Public School teachers.

(4) To appoint a county board of legally qualified examiners, (for the examination and licensing of public school teachers, in accordance with the regulations provided by law,) consisting of the County Inspector and not more than four other competent persons, whose qualifications shall, from time to time, be prescribed by the Council of Public Instruction. 15 34 V., c. 33, s. 11. 37 V.

(5) To pay the incidental and other expenses of the Board of Examiners as follows :—

(a) Recompense to the members for their time, travelling and other expenses, at least equal to that which members of the county council receive. This recompense may be increased as may be determined by the council. 20

(b) Expenses of stationery, room, fuel, light, printing of notices, examination papers and certificates for teachers.

(c) Such remuneration to the secretary of the Board, as the 25 Board may deem just and expedient. 23 V., c. 29, s. 16 : 34 V. c. 33, c. 11 : 37 V.

4. *Appoint County School Auditors.*

Auditors of school moneys to be appointed.

(6) To appoint annually, or oftener, auditors, who shall audit the accounts of the county treasurer and other officers to whom Public or High School moneys have been entrusted, and 30 who shall report to such council. 22 V., c. 64, s. 58 : 34 V., c. 33, s. 45.

To obtain security from all persons entrusted with school moneys.

(7) To see that sufficient security is given by all officers of the council to whom school moneys are entrusted. 22 V., c. 64, s. 56. 35

5. *Exact security, and allow no deduction from School Fund.*

(8) To see that no deduction is made from the school fund by the county treasurer or sub-treasurer for the receipt and payment of school moneys. 22 V., c. 64, s. 56.

County councils to appoint committees to settle appeal against formation or alteration of school sections.

(9) To appoint a committee of not more than five, or less than three, competent persons (two of whom shall be the County Judge and a County Inspector), and a majority of whom shall form a quorum, to investigate the matter of any appeal or complaint from a majority of the trustees, or any five rate-payers, of one or more school sections in any township, to the county council against any by-law or resolution passed at any time 45 previously by their township council for the formation or alteration of their school section or school sections; or against the neglect or refusal of the township council, (on application being made to it by the trustees, or inspector,) to form or alter the boundaries of a school section or school sections ; 50

(a) The committee thus appointed shall revise and alter the boundaries of the school section or school sections, so far as to settle the matters complained of;

(b) No person shall be competent to act on the committee who was or is a member of the township council which passed the by-law or resolution complained of; Who may not act on the committees.

(c) The alterations made in the boundaries of any school section or school sections by such committee, shall not take effect before the twenty-fifth day of December of the year in which the alterations are made; Alteration in the sections not to take place before the end of the year.

(d) Due notice of the alterations made by the committee, shall be given by the inspector to the clerk of the township and to the trustees of the school sections concerned. 37 V., s. 32.

(10) To provide, upon the application of the Inspector, suitable rooms or other accommodation for holding the examination of Public School Teachers in the county. 37 V., s. 65.

(11) To make the necessary provisions for enabling the county treasurer to pay, not later than the fourteenth day of December in every year, the Public School Inspector's order, in favour of a teacher, assistant or monitor. 22 V., c. 64, s. 51, 37 V., s. 63.

2. DISCRETIONARY POWERS OF COUNTY COUNCILS.

1. *Raise or Loan School Moneys.*

2. *Appoint Township sub-Treasurers.*

3. *Appoint Committee on Appeals on School Boundaries.*

4. *Aid new and needy School Sections.*

1. *Raise or loan School Moneys.*

62. Every county council shall have authority:—

(1) To raise by assessment such sums of money as it may judge expedient, for the establishment and maintenance of a county public school library. 22 V., c. 64, s. 52. Council may establish County Library.

(2) To set apart surplus moneys, as authorized by the one hundred and fifty-second section of this Act, for educational purposes, and to invest the same either by loan to school trustees or otherwise, as provided in that section. 29-30 V., c. 51, ss. 272: 31 V., c. 30, s. 27: 32 V., c. 43, s. 21.

2. *Appoint Township Sub-Treasurer.*

(3) To appoint, if deemed expedient, one or more sub-treasurers of school moneys for one or more townships of the county; School sub-treasurers for townships may be appointed.

(a) Every sub-treasurer shall be subject to the same responsibilities and obligations in respect to the accounting for school moneys, and the payment of lawful orders for such moneys given by any county inspector (within the parts of the county for which he is appointed sub-treasurer), as are imposed by this Act upon every county treasurer, in respect to the paying and accounting for school moneys. 22 V., c. 64, s. 57.

(4) To authorize and direct a separate examination, for the granting of certificates to public school teachers, to be held in each division of the county where there may be two inspectors in the county. 37 V. Two examinations in county.

Supplement
teacher's
pension.

(5) To supplement, out of local funds, any pension granted by the Council of Public Instruction to any public or high school teacher. 37 V.

4. *Aid new and needy School Sections.*

Such equiv-
alent may be
increased for
poor schools,
&c.

6. To increase the sums of money levied yearly upon the several townships for the payment of duly qualified teachers. 5
either (a) In aid of the county school fund, or, (b) On the recom-
mendation of one or more county inspectors, to give special or
additional aid to new or needy school sections. 22 V., c. 64, s. 50.

7. To dismiss any County Inspector, for misconduct or inefficiency, by the vote of a majority of the members of the council, 10
and by a two-thirds vote of such members, without cause
assigned. 37 V.

Remuneration-
of County In-
spectors.

63. The county remuneration of each inspector shall not be less than five dollars per school per annum, to be paid quarterly by the county council; 15

(a) The Council shall also have authority to determine and provide an allowance for his travelling expenses. 34 V., c. 33, s. 10.

SALARIES OF TEACHERS—OFFICERS.

Such county-
rate to be
collected by
14th December

64. The sum annually required to be levied in each county, for the salaries of legally qualified teachers, shall be collected 20
and paid into the hands of the county treasurer, on or before
the fourteenth day of December, in each year. 22 V., c. 64, s. 51.

Duties of County Treasurer and County Clerk.

Pay Inspec-
tor's order.

65. It shall be the duty of every County Treasurer:—

(1) To pay out of the school assessment of the county the amount of the Inspector's lawful order on behalf of a public 25
school teacher, assistant teacher, or monitor. 22 V., c. 64, ss.
50, 51, 56, 57, 91; No. 2, 123: 37 V., s. 63.

Pay county
assessment on
14th Dec.

(2) To pay such Inspector's lawful order, not later than the fourteenth day of December in every year, in anticipation of the payment into his hands of the county school assessment. 30

Teachers not
to be refused
payment.

(a) Notwithstanding the non-payment to the county treasurer by the fourteenth day of December of the school assessment levied in the county, no teacher shall be refused the payment by the county treasurer or sub-treasurer of the sum to which on the inspector's order he may be entitled from such year's county 35
school assessment. 22 V., c. 64, s. 51; 37 V.

Pay to school
division county
assessment.

(3) To pay over to the order of the Public School Board of any school division (consisting of a town or incorporated village and part or parts of an adjoining township or townships) any portion of a county assessment for school purposes which may 40
be raised within such school division. 37 V., s. 33a.

Pay Inspec-
tor's salary
raised in
towns sepa-
rated.

(4) To pay over to the order of the Public School Board of any town not separated from the county a sum of money equal to the amount collected within such town for the payment of the salary of the County Inspector. 37 V., s. 52a. 45

Pay superan-
nuation money

(5) To pay at the end of every half-year, to the order of the County Inspector, the amount of money which is in his hands, being money which such Inspector has deducted from the salaries of male teachers for the superannuated teachers' fund for each half-year. 37 V., s. 48. 50

66. It shall be the duty of every County Clerk:—

(1) To notify the Chief Superintendent of Education of the appointment and address of every County Inspector and of the County Treasurer.

Clerk to report appointments and proceedings to Chief Superintendent.

5 (2) To furnish the Chief Superintendent with a copy of all proceedings of the council relating to school assessments and other educational matters. 22 V., c. 64, s. 55.

(3) To transmit to the Chief Superintendent of Education, on or before the first day of March in each year, a certified copy in the form provided of the abstract of the report of the auditors.

Clerk to transmit audited accounts to Chief Superintendent.

(4) To give any explanation, as far as he is able, relating to the auditors' report which may be required by the Chief Superintendent. 22 V., c. 64, s. 59.

PART V.—CITIES, TOWNS AND INCORPORATED VILLAGES.

1. POWERS AND DUTIES OF MUNICIPAL COUNCILS.

2. ELECTION OF SCHOOL TRUSTEES.

(1.) *In Cities and Towns divided into Wards.*

(2.) *In Towns and Villages not divided into Wards.*

3. WHO ARE VOTERS—DISPUTED ELECTIONS—OFFICE OF TRUSTEE.

4. UNION WITH TOWNSHIP OF TOWN OR VILLAGE.

5. PUBLIC SCHOOL BOARDS AND THEIR DUTIES.

(1.) *Appoint Officers—Meetings.*

(2.) *Possession and Management of Property—School Houses.*

(3.) *Kinds of Schools, and their Teachers.*

(4.) *Union with High School—Committee for each School.*

(5.) *Financial Estimate for Municipal Council.*

(6.) *Fees for Books and Stationery—Annual Meeting and Report—Teachers' Salaries.*

6. CITY AND TOWN INSPECTORS, AND CITY BOARD OF EXAMINERS.

7. COMPULSORY SALE OF SCHOOL SITE.

I. POWERS AND DUTIES OF MUNICIPAL COUNCILS.

15 **67.** The municipal council of every city, town and incorporated village is hereby invested, within its limits, with the same powers, and shall be subject to the same obligations (so far as they can apply to such city, town and incorporated village), as the municipal councils of counties and townships
20 are by this Act. 22 V., c. 64, s. 60; 34 V., c. 33, s. 1.

Powers of councils in cities, towns and villages.

68. The council of every city and town separated, may pass by-laws for the following purpose:—

Pupils competing for High School prizes.

1. For making a permanent provision for defraying the expenses of the attendance at the High School, of such of the
25 pupils of the Public Schools of the city or town as are unable to bear the expense but are desirous of, and, in the opinion of the respective masters of such Public and High Schools, possess competent attainments for competing for any scholar-

ship, exhibition, or other similar prize, offered by such High School. 36 V. c. 48, s. 383, No. 8.

ELECTION OF SCHOOL TRUSTEES.

(1.) *In Cities and Towns divided into Wards.*

- 69.** On the incorporation of any city or town, and the division thereof into wards.
- First election of school trustees in cities and towns.** (a.) Two fit and proper persons shall, at the first election of school trustees, be elected school trustees of every ward, by a majority of the votes of the assessed free-holders and householders thereof. 5
- Term of office** (b.) One of the trustees (to be determined by lot at the first meeting of trustees after their election,) shall retire from office at the time appointed for the next annual school election, and the other shall continue in office one year longer, and then retire. 10
- (c.) Every trustee shall continue in office until his successor has been elected. 22 V., c. 64, s. 63.
- Two trustees to be annually elected in each ward.** **70.** For every ward into which any city or town is divided: 15
- (a.) There shall be two school trustees, each of whom, after the first election of trustees, shall continue in office for two years, and until his successor has been elected;
- (b.) One of the trustees elected shall retire on the second Wednesday in January yearly in rotation. 22 V., c. 64, s. 62. 20
- Annual election of trustees.** **71.** In every city and town, on the second Wednesday in January:—
- (a.) An election shall be held in every ward at the place of the last municipal election, and under the direction of the same returning officer, and conducted in the same manner as an ordinary municipal ward election; 52
- (b.) In case of the default of said returning officer, then the election shall be held under the direction of such person as the electors present may choose;
- One trustee in each ward.** (c.) At such election one fit and proper person to be a trustee shall be elected by a majority of the votes of the assessed freeholders and householders in and for every ward; 30
- (d.) The trustee so elected shall continue in office for two years, and until his successor has been elected. 22 V., c. 64, ss. 3 and 64: 34 V., c. 33, ss. 31 and 32. 35
- Time and hours for school elections in rural sections, towns &c.** **72.** The poll at every election of a school trustee or trustees shall not close before eleven of the clock in the forenoon;
- (a.) In cities, towns, and incorporated villages, the same time shall be allowed for the election of school trustees which is allowed by the Municipal Institutions Act (which may be in force at the time), for the election of municipal councillors in such municipalities. 23 V., c. 49, s. 4: 34 V., c. 33, s. 31. 40
- 32 V., c. 44, applies to Toronto alone.** **73.** The Act relating to school trustee elections, passed in the thirty-second year of Her Majesty's reign, and chaptered forty-four, except the ninth and tenth sections thereof, shall apply to the City of Toronto alone. 34 V., c. 33, s. 47. 45

(2.) *In Villages and Towns not divided into Wards.*

- New village boundaries.** **74.** The school boundaries of a village rural school section, or other school division, existing at the time of its incorporation,

as a village or town municipality, shall continue in force, and be considered as the school boundaries of the newly incorporated village or town, notwithstanding its incorporation, until such boundaries are altered under the authority of this Act. 37 V. s. 32.

75. In every town, not divided into wards, and in every incorporated village, there shall be six school trustees, two of whom, after the first election, shall retire from office yearly on the second Wednesday in January. 22 V., c. 64, s. 65. Six trustees.

10 76. On the incorporation of any town or village :— First election of school trustees in a village or town.
 (a.) The returning officer appointed to hold the first municipal election therein, shall call a meeting, by giving six days' notice in at least three public places in the town or village, for the election of school trustees to take place on the second

15 Wednesday in January;

(b.) In case of his neglect to do so, for one month, any two freeholders in the town or village may, on giving like notice, call a meeting for this purpose;

(c.) At such meeting six trustees shall be elected, who shall hold office during the periods mentioned in the next succeeding section. 22 V., c. 64, ss. 3 and 66.

77. The trustees of every such town and village shall be divided by lot into three classes, each consisting of two trustees, and to be numbered one, two, three; Trustees when first elected to be classified.

25 (a.) The first of which classes shall hold office one year;

(b.) The second of which classes shall hold office for two years;

(c.) The third of which classes shall hold office for three years, and until their successors respectively are elected. 22

30 V., c. 64, s. 67: 34 V., c. 33, ss. 32 and 33.

78. The trustees composing one of such classes shall retire yearly in rotation :— Such trustees to retire yearly by rotation.

(a.) The order of such rotation of the trustees first elected shall be determined by lot at the first meeting of the trustees after their election;

(b.) Except the trustees elected at the first election, the trustees so to retire shall be those who have held the office for the then next preceding three years, or who have been elected to supply any vacancy in the retiring class. 22 V., c. 64, s. 68.

40 79. A school meeting shall be held annually on the second Wednesday in January, in every such town and village, at the place of the then last annual election of councillors; Annual election of two trustees in towns and villages.

(a.) At this meeting the assessed freeholders and householders of the town or village shall elect two persons to be trustees in the place of the two retiring from office.

b. The trustees so elected shall continue in office three years, and until their successors have been elected. 22 V., c. 64., s. 69.

(3.) WHO ARE VOTERS—DISPUTED ELECTIONS— OFFICE OF TRUSTEE.

80. In case an objection be made to the right of any person to vote at an election in any city, town or village, or upon any other subject connected with school purposes therein, the re- Challenging voters at school elections.

turning officer presiding at the election shall require the person whose right of voting is objected to, to make the following declaration :

Declaration.

" I do declare and affirm that I have been rated on the assessment roll of this city (town or village division, *as the case may be*),
" as a freeholder, (householder or tenant *as the case may be*),
" and that I have paid a public school tax in this ward, (town
" or village *as the case may be*), within the last twelve months,
" and that I am legally qualified to vote at this election."

Whereupon the person making such a declaration shall be permitted to vote. 22 V., c. 64., s. 70.

Terms for which persons are elected to fill vacancies.

81. Any trustee elected to fill an occasional vacancy in a public school board, shall hold office only for the unexpired term of the person in whose place he is elected to serve. 22 V., c. 64, s. 75.

Re-election of any trustee lawful.

82. Any retiring trustee may be re-elected with his own consent, otherwise he shall be exempted from serving for four years next after leaving office. 22 V., c. 64, s. 76.

Contested elections in cities, towns, and villages.

83. It shall be the duty of the judge of the county court :—

a. Within twenty days after the election of a public school trustee or trustees in any city, town, or incorporated village within his county, to receive and investigate any complaint respecting the mode of conducting the election, and confirm it or set it aside, and appoint the time and place of holding a new election, as he may judge right. 22 V., c. 64, s. 72.

Costs of contested elections.

b. The expenses of the investigation of any such complaint shall be paid by the parties concerned in it, as may be decided by the County Judge. 22 V., c. 64, s. 74.

(4.) UNION OF TOWN OR VILLAGE WITH TOWNSHIP.

School union in town or village.

84. Part of a township, or parts of townships, and an adjoining town or village, may be united by the reeves or the deputy reeves, county inspector or inspectors, and a person appointed by the public school board concerned, or its representative for this purpose ;

Majority present.

a. The alteration shall be made by a majority of the said persons who may be present at any lawful meeting called for that purpose ;

b. Such union of portions of a township or townships, and an adjoining town or incorporated village, shall, for the purposes of the election of trustees, be deemed one school section or division ;

c. Such union shall also be considered in respect to inspection and taxation for school purposes, as belonging to the township, town or village in which the school-house is situated ;

d. It shall be the duty of the mayor, reeve or deputy-reeve of the municipality concerned, and of the county inspector, annually to equalize the assessment of such union school division ;

e. Any portion of a county assessment for school purposes, which may be raised within any such school division, shall be paid over by the county treasurer to the order of the board of trustees thereof. 37 V., s. 33a.

(5.) PUBLIC SCHOOL BOARDS AND THEIR DUTIES.

85. The school trustees for each city, town, incorporated village or division, shall be a corporation, under the name of "The Public School Board of the City [Town, Village or Division] of ———, in the County of ———," and shall succeed to all the corporate property, rights and powers, and be subject to all the corporate obligations and liabilities of the preceding trustees. 22 V., c. 64, s. 77: 34 V., c. 33, s. 32: 37 V.

Trustees to be
a Corporation.

86. It shall be the duty of the Public School Board of every city, town, incorporated village and division respectively, and they are hereby authorized: 22 V., c. 64, s. 79: 37 V.

Duties of the
public school
board.

(1.) *Appoint Officers—Meetings.*

(1.) To elect annually, or oftener, from among their own members, a chairman, who shall have a right to vote at all times;

Election of
chairman and
his vote.

15 *a.* In case of an equality of votes on any question before the board, the question shall be held to be decided in the negative. 22 V., c. 64, s. 79, No. 1.

(2.) To appoint the times and places of their meetings and the mode of calling them, and of conducting and recording their proceedings, and of keeping all their school accounts:

Time and place
of meeting of
Board.

a. The first meeting of every Board may be called by any member thereof, and it shall take place in the city, town or village council-room. 22 V., c. 64, ss. 78 and 79, No. 3.

(3.) To appoint:

25 *a.* A secretary or secretary-treasurer;

b. One or more collectors, if requisite of such school fees or rate-bills, as the Board may have authority to charge;

Appointment
of secretary,
collector and
treasurer.

(1*a.*) The collector or collectors and secretary-treasurer, may be of their own number;

30 (2*a.*) The secretary-treasurer and the collector or collectors shall be subject to the same duties, obligations and penalties as the like officers in rural school sections. 22 V., c. 64, s. 27, No. 1, and s. 79, No. 2: 34 V., c. 33, ss. 1 and 46.

(2.) *Possession and Management of Property—School Houses.*

35 (4.) To take possession of all public school property:

Board to take
possession of
all public
school
property.

a. To accept and hold as a corporation all such property acquired or given at any time, for public school purposes, in the city, town, or village, by any title whatsoever; *b.* To manage or dispose of such property, and all money or income for public school purposes; *c.* To apply the same, or the proceeds thereof, to the objects for which they have been given or acquired.

To manage or
dispose of it.

To apply pro-
ceeds.

(5.) To do whatever they may judge expedient with regard:

a. To purchasing or renting school-sites and premises;

To provide
school pre-
mises, appa-
ratus, text-books
and library.

45 *b.* To building, repairing, furnishing, warming, and keeping in order the school houses and appendages, lands, enclosures, and movable property;

c. To procuring suitable maps, apparatus, text and prize books, and for establishing and maintaining school libraries. 22 V., c. 64, s. 79, Nos. 3 to 7, inclusive: 37 V. s.

50 (6.) To appoint (in towns and incorporated villages only) a

representative of the board to meet with the mayor, reeve or deputy reeve, and county inspector, to make any alteration which may be proposed in the school boundaries of such town or village.

(3.) *Kinds of Schools, and their Teachers.*

Kind of Schools.	(7.) To determine—	5
	a. The number, sites, kind, grade and description of schools (such as male, female, infant, central, or ward schools) to be established and maintained in the city, town, village or division. 22 V., c. 64, s. 79, No. 8(a).	
Teachers.	b. The teachers, assistants, and monitors to be employed; the terms on which they are to be employed; the amount of their remuneration, and the duties which they are to perform. 22 V., c. 64, s. 79, No. 8 (b): 37 V. s. 63.	10
Inspector.	c. The salary of the inspector of schools (to be appointed in cities and towns only) as provided by this Act. 22 V., c. 64, s. 79, No. 8, (c): 34 V., c. 33, ss. 6 and 10.	15
Trustees to ascertain names of absentee children.	(8.) To ascertain before the thirty-first day of December in every year, through the assessor, collector, or some other person to be appointed for that purpose, and paid by them, the names, ages and residences of all the children of school age in their division or municipality, as the case may be—distinguishing those children between the ages of seven and twelve years inclusive—who have not attended any school (or who have not been otherwise educated) for four months of the year, as required by this Act. 37 V., s. 42.	20
Notify parents.	(9.) To notify personally, or by letter or otherwise, the parents or guardians of such children of the neglect or violation on their part of the provisions of this Act in regard to compulsory education. 37 V., s. 42, No. 2.	25
Impose a rate-bill or make complaint to magistrate.	(10.) To impose a rate-bill not exceeding one dollar per month for each of their children not attending school upon said parents or guardians, who, after having been so notified, continue to neglect or violate the said provisions of this Act, or to make complaint of such neglect or violation to a magistrate having jurisdiction in such cases, as provided by this Act, and to deliver to said magistrate a statement of the names and residences of the parents or guardians of such children. 37 V., s. 43.	30 35

4.—*Financial Estimate for Municipal Council — Teachers' Salaries.*

To lay before municipal council estimate for moneys.	(11.) To prepare from time to time, and lay before the municipal council of the city, town, or village, an estimate of the sums which they think requisite :	
For salaries of teachers—procuring school premises.	(a) For paying the whole or part of the salaries of the Inspector, (in cities and towns only), and of Public and Industrial School teachers in cities, towns and villages. 22 V., c. 64, s. 79, No. 11 (a): 34 V., c. 33, ss. 10 and 42.	40
	(b) For purchasing or renting public and industrial school premises.	45
For building, repairing, and keeping in order school-houses.	(c) For building, renting, repairing, warming, furnishing, and keeping in order the public and industrial school-houses and their appendages and grounds ;	
For procuring apparatus, text books, and libraries, &c.	(d) For procuring suitable apparatus and text, prize and library books for such schools ; 22 V., c. 64, s. 79, No. 11 (b), (c) and (d): 34 V., c. 33 s. 42 ; 37 V., s. 71.	50

(e) For the establishment and maintenance of school libraries ;
and

(f) For all other necessary expenses of the schools under their charge. 22 V., c. 64, s. 79, No. 11, (e) and (f); 34 V., c. 33, s. 1.

And the council of the city, town, or village, shall provide such sums in the manner desired by the said public school board. 22 V., c. 64, s. 79, No. 11: 34 V., c. 33, s. 1. Council required to provide necessary funds.

(12.) To appoint a fit and proper person to collect the rate-bills or school fees chargeable by them upon the inhabitants of their municipality or division, or upon those who are non-resident, or the sums which the said inhabitants have subscribed. Appointment and duty of School Collector.

(13.) To pay such collector, at the rate of not less than five nor more than ten per cent. on the moneys collected by him ;

(a) Every such collector shall give security satisfactory to the trustees.

(b) Such collectors shall have the same powers by virtue of a warrant, signed by a majority of the trustees, in collecting the school-rate or subscription, and shall proceed in the same manner as ordinary collectors of county and township rates and assessments. 22 V., c. 64, s. 27, Nos. 2 and 10: 23 V., c. 49, s. 21: 34 V., c. 33, ss. I and 46: 37 V. Powers.

(c) All moneys thus collected shall be paid into the hands of the treasurer of the city, town, village, or school division, or of the treasurer or secretary-treasurer of the board, for the public school purposes of the same, subject to the order of the Board. 22 V., c. 64, s. 79, No. 12; 34 V., c. 33, s. 1. Treasurer.

(14.) To appoint, at their discretion, some fit and proper person, to be treasurer or secretary-treasurer to the corporation; who shall give such security as may be required by a majority of the trustees ; Duties.

(a) For the correct and safe keeping and forthcoming (when called for) of the papers and moneys belonging to the corporation ;

(b) And for the receiving and accounting for all school moneys collected by rate-bill, subscription, or otherwise, from the inhabitants of the municipality or from non-residents ; Trustees may collect a discretionary fee from parents.

(c) And for the disbursing of such moneys in the manner directed by the majority of the trustees. 22 V., c. 64, s. 27, No. 1, and s. 79, No. 18.

(15) To give, with the School Inspector, orders to duly qualified teachers, assistants, or monitors on the treasurer of the municipality for the salaries due to them. 22 V., c. 64, s. 78, No. 13; and 91, No. 2: 37 V. Trustees' and Inspector's orders to teachers.

(16) To give orders to other school officers and creditors for the sums due to them, on the treasurer of the city, town, or village, or on their own treasurer or secretary-treasurer. 22 V., c. 64, s. 79, No. 13, s. 27, No. 9, and ss. 80 and 91, No. 2: 34 V., c. 33, s. 6. Trustees to give orders for sums due to Creditors.

(17) To call and give notice of annual and special school meetings of the assessed freeholders, householders and tenants of the city, town, or village, or of any ward therein, for filling up vacancies in the school trustee corporation, or for any other purpose, in the manner and under the regulations prescribed by this Act. 22 V., c. 64, ss. 20 & 79, No. 14. Trustees to give notice of Annual and Special Meetings.

(18) To see that all the pupils in the schools are duly supplied with a uniform series of authorized text-books. To see that authorized books are used, and appoint Librarian.

(19) To appoint a librarian to take charge of the school library or libraries. 22 V., c. 64, s. 79, No. 15.

- Adequate accommodation. (20) To provide adequate accommodations for all children of school age in the municipality. 34 V., c. 33, s. 2.
- To see that regulations are observed. (21) To see that all the schools under their charge are conducted according to the authorized regulations.
- Admit non-resident pupils (22) To admit to their school, on the payment in advance of 5 a school fee not exceeding fifty cents per pupil per calendar month, any non-resident pupils who reside nearer to such school than to the school of their own section or division. 37 V. s. 41a.
- (a) In case of dispute as to the distance from the school, the 10 inspector shall decide. 37 V., s. 41a.
- Provide Registers. (23) To provide, at the expense of the school, general admission and daily class register, in the prescribed form. 37 V., s. 50.
- Teachers entitled to holidays and vacations. (24) To provide for the payment of the salary of the masters 15 and teachers for the authorized holidays occurring during the period of their engagement with the trustees, and also for the vacations which follow immediately on the expiration of the school term during which they have served, or of the term of his agreement with such trustees; and also for salary during sick- 20 ness as certified by a medical man for a period at the rate of not exceeding four weeks for the entire year; which period may be increased at the pleasure of the trustees. 37 V., s. 49.
- (25) To prepare and publish, at the end of every year, in one or more of the public newspapers, or otherwise, for the infor- 25 mation of the inhabitants of the city, town or village, an annual report of their proceedings, of the progress and state of the schools under their charge, and of the receipts and expenditure of all school moneys. 22 V., c. 64, s. 79, No. 16.
- To prepare Annual Report for Chief Superintendent. (26) To prepare and transmit annually, before the fifteenth 30 of January, to the Chief Superintendent of Education, in the form provided by him, a report signed by a majority of the trustees, containing all the items of information which may be required therein. 22 V., c. 64, s. 79, No. 17.
- 87.** Every Public School Board in a city, town, incorporated 35 village or school division, shall have authority:—
- To appoint a committee for each school. (1) To appoint annually or oftener, if they judge it expedient, and under such regulations as they think proper, a committee of not more than three persons for the special charge, oversight, and management of each school within the city, town, or village. 40 22 V., c. 64, s. 79, No. 10.
- Trustees may may collect a discretionary fee from parents. (2) To collect at their discretion from the parents or guardians of children attending any public school under their charge, a sum not exceeding twenty cents per calendar month, per pupil, to defray the cost of text-books, stationery and other contingen- 45 cies. 34 V., c. 33, s. 1.
- Non-resident pupils to be admitted on payment of fee. (3) To admit non-resident pupils to their school, on payment of reasonable fees or rate-bill not exceeding fifty cents per calendar month per pupil, payable in advance. 37 V., s. 41a.
- (a) The Board is required to admit all non-resident pupils to 50 their school who reside nearer to such school than to the school in their own section;
- (b.) In case of dispute as to the distance, the inspector shall decide, and the trustees shall then admit said non-resident pupils. 37 V., s. 41a. 45
- Case of sickness. Four weeks allowed. (4) To increase, at their pleasure, the period fixed by this Act (of not exceeding four weeks for the entire year) for which a teacher shall be entitled to his salary in the case of sickness, as certified by a medical man. 37 V., s. 49.

(5) To supplement out of local funds, at their pleasure, the pension granted by the Council of Public Instruction to a public school teacher. 37 V., s. 44.

(6) To adopt, at their discretion (but not after the first day of 5 July, one thousand eight hundred and seventy-four) such measures as they may judge expedient, in concurrence with the trustees of the High School, for uniting one or more of the public schools of the city, town, or village, with such High School. 22 V., c. 64, s. 79, No. 9: 37 V., s. 30. To unite with High School if expedient.

10 (7) To invest, as they may see fit, any surplus moneys for educational purposes, as provided in the one hundred and fifty-second section of this Act. 29-30 V., c. 51, s. 274. Invest surplus.

(8) To exercise as far as they judge expedient, in regard to their city, town or village, all the powers vested in the trustees of each school section in regard to such school section. 22 V., c. 64, s. 79, No. 18 and s. 27. May exercise same powers as Rural Trustees.

COMPULSORY SALE OF SCHOOL SITE IN CITIES, TOWNS AND VILLAGES.

(9.) To select land for a school site on which to erect a school house or school houses and necessary buildings, or for enlarging school premises already held :—

(a) If the owner of such land shall refuse to sell the same, 20 or shall demand therefor a price deemed unreasonable by the Board, the proprietor of such land, and the Board, shall each forthwith select an arbitrator; Owner of land must sell school site selected.

(b) The arbitrators thus chosen and the County Inspector, or any two of them, or the trustees' arbitrator and the inspector 25 (in case the owner should neglect or refuse to appoint an arbitrator), shall appraise the damages to the owner of such land; Arbitrator.

(c) Upon the tender of payment by the Board of the amount of such damages to the owner, the land shall be taken and used for the purpose aforesaid ;

30 (d) Vacant land only shall be taken in such city, town or village for a school site without the consent of the owner or owners. 22 V., c. 64, s. 79, No. 6. 34 V., c. 33, ss. 17 and 25. Exception.

(e) Lands in the hands of parties unknown or under any disability named, shall be taken as provided in the thirty-eighth 35 section of this Act. 37 V., s. 39. Parties unknown.

(f) In case no deed of the site can be obtained, the award of the arbitrators shall, on the affidavit of one trustee, be registered at the registry office. 37 V., s. 39. Register award.

6.—CITY AND TOWN INSPECTOR—CITY BOARD OF EXAMINERS.

88. It shall be the duty of the Public School Board in every 40 city and town :—

(1) To appoint, from time to time, from among those holding the necessary certificates of qualification one person to be inspector of Public Schools in the city or town. City and town inspector.

(a) The inspector appointed shall possess all the powers, 45 and be subject to all the obligations enumerated in the one hundred and fourteenth section of this Act. Powers.

(b) Any city or town inspector shall be subject to dismissal 50 for misconduct or inefficiency, by a majority of the members of the Board appointing him, or by a two-thirds vote of the members of such Board, without such cause. 37 V., s. 52b. Dismissal.

(c) Any vacancy caused by dismissal, death or resignation,

shall be filled by the Board by the appointment of some legally qualified person; but the person dismissed shall not be re-appointed without the concurrence of the party who had dismissed him.

Remuneration of inspector. (d) The remuneration of each city and town inspector shall be determined and provided for by the Board appointing him. 22 V., c. 64, s. 79, No. 2: 34 V., c. 33, ss. 6-10. 5

Pay Inspector as Examiner. (2) To provide for the payment to the inspector of such city or town of a sum at the rate of five dollars per day while he is engaged in the examination of pupils for admission to the High 10 School or Collegiate Institute. 37 V., s. 27.

Pay contingent expenses. (3) To provide for the payment of the contingent expenses of the examination for the admission of pupils to the High School or Collegiate Institute. 37 V., s. 27.

89. It shall be the duty of the Public School Board of 15 every city:—

Appoint City Examiners. (1) To appoint a City Board of Examiners for the examination and licensing of Public School Teachers, as provided in Part VIII. of this Act. 34 V., c. 33, s.

Pay Expenses of Members. (2) To provide for the payment of the expenses of the members of the City Board of Examiners, as provided in Part VIII. of this Act. 23 V., c. 49, s. 16; 34 V., c. 33, ss. 6 and 11. 20

Provide rooms. (3) To provide suitable rooms or other accommodation for holding the examination of teachers in the city, upon the application of the city inspector. 37 V., s. 60. 25

PART VI.—PUBLIC SCHOOL TEACHERS AND THEIR DUTIES.

1. QUALIFIED TEACHER DEFINED.
2. TEACHER CANNOT BE TRUSTEE OR INSPECTOR.
3. SPECIFIC DUTIES OF TEACHERS.
4. PROTECTION IN REGARD TO SALARY.
5. SUPERANNUATION OF TEACHERS.

1. QUALIFIED TEACHER DEFINED—2. CANNOT BE TRUSTEE OR INSPECTOR.

Qualified teacher defined.

90. No male or female teacher, assistant, or monitor of a public school, shall be deemed legally qualified, who does not at the time of his or her engaging with the trustees, and during the period of the engagement with the trustees, hold a certificate of qualification, as provided in this Act. 22 V., c. 64, ss. 80 and 30 141: 34 V., c. 33, s. 30, No. 4; 37 V. s. 63.

Teacher not to hold certain offices.

91. No master or teacher of a Public or High School shall hold the office of school trustee or school inspector. 22 V., c. 64, s. 81: 23 V., c. 49, s. 11.

3. SPECIFIC DUTIES OF TEACHERS.

Duties of Public School Teacher.

To teach according to Law and Regulations.

92. It shall be the duty of every Teacher of a public school: (1) To teach diligently and faithfully all the branches required to be taught in the school, according to the terms of his engagement with the trustees, and according to the provisions of this Act and the authorized regulations under it, 35

- (2) To keep in the prescribed form the general, entrance and the daily class, or other, registers of the school. To keep the Register of the School.
- (a) He shall record therein the admission, promotion, removal, or otherwise of the pupils of his school. 37 V., s. 50.
- 5 (3) To maintain proper order and discipline in his school according to the authorized forms and regulations; To maintain proper order and discipline.
- (4) To keep a visitors' book (which the trustees shall provide) and enter therein the visits made to his school, and to present said book to every visitor, and request him to make therein any
- 10 remarks suggested by his visit; To keep a Visitors' Book.
- (5) To give the trustees and visitors access at all times, when desired by them, to the registers and visitors' book appertaining to the school. 22 V., c. 64, s. 82. Nos. 1-5. To give access to Register and Visitors' Book.
- (6) To deliver up any school registers, visitors' book, school
- 15 house key, or other school property in his possession, on the demand or order of the majority of the trustee corporation employing him; Deliver up registers and key.
- (a) In case of his wilfully refusing to do so, he shall be deemed guilty of a misdemeanor, and shall not be deemed a
- 20 qualified teacher until restitution be made, and shall also forfeit any claim which he may have against the said trustees. 22 V., c. 64, s. 82, No. 5; 23 V., c. 49, s. 1. In case of refusal.
- (7) To have at the end of every quarter a public examination of his school, of which he shall give due notice to the trustees
- 25 of the school, to any school visitors who reside in or adjacent to the school, and through the pupils to their parents and guardians. To hold public quarterly examinations.
- (8) To furnish to the Chief Superintendent of Education, or to the School Inspector, when desired, any information which it may be in his power to give respecting anything connected
- 30 with the operations of his school, or in any wise affecting its interests or character. 22 V., c. 64, s. 82, Nos. 6-7. To furnish information to the Chief Superintendent and Inspector.

4. PROTECTION IN REGARD TO SALARY.

- 93.** Any teacher shall be entitled to be paid at the rate mentioned in his agreement with the trustees, even after the expiration of the period of his agreement, until the trustees
- 35 pay him the whole of his salary as teacher of the school, according to their engagement with him. 22 V., c. 64, s. 83; 23 V., c. 49, s. 12. Protection of teachers in regard to salary.
- (a) This section shall only apply where the teacher prosecutes his claim for salary within three months after it is due
- 40 and payable by the trustees. 37 V., s. 51.

- 94.** All matters of difference between trustees and teachers, in regard to salary or other remuneration, shall be brought and decided in the division court by the judge of the county court in each county; Provision in case of difference between teacher and trustees.
- 45 (a) The decision of any county judge in all such cases may be appealed from, as provided by this Act. 22 V., c. 64, s. 83: 34 V., c. 33, s. 27.
- (b) In pursuance of a judgment or decision given by a county judge in a Division Court, under the authority of this section,
- 50 and not appealed from, execution may issue from time to time, to recover what may be due of the amount which the judge may have decided the plaintiff entitled to, in like manner as on a judgment recorded in a Division Court for a debt, together with all fees and expenses incidental to the issuing thereof and levy
- 50 thereunder. 37 V., s. 66a.

5. SUPERANNUATION OF TEACHERS.

Annual pay-
ments to
superannuated
School
Teachers'
Fund.

95. Every male teacher of a public school holding a certificate of qualification under the School Acts shall pay into the fund for the support of superannuated school teachers, through the Public School Inspector, the sum of at least four dollars annually in half-yearly sums ;

5

(a) Every female teacher holding a like certificate, and every legally qualified master or teacher of a High School, may also, while engaged in teaching, pay into the fund a like or larger sum annually. 34 V., c. 33, s. 43 ; 37 V.

Teachers
retiring to be
paid back.

96. Any teacher retiring from the profession shall be entitled to receive back from the Chief Superintendent one half of any sums paid in by him or her to the fund, through the Public School Inspector, or otherwise ;

(a) On the decease of any teacher, his wife, her husband, or other legal representative, shall be entitled to receive back the full amount paid into the superannuation fund by such teacher, with interest at the rate of seven per centum per annum. 34 V., c. 33, s. 43.

Right of
teachers to
retire.

Pension on
reaching 60
years of age.

Condition of
Pension.

97. Every teacher who, while engaged in his profession, contributes to the Superannuated Teachers' Fund, as provided by this Act, shall, on reaching the age of sixty years, be entitled to retire from the profession at his discretion, and receive an allowance or pension at the rate of six dollars per annum for every year of such service in Upper Canada or Ontario, upon furnishing to the Council of Public Instruction satisfactory evidence of good moral character, of his age, and of the length of his service as a Public or High School Teacher in Upper Canada or Ontario ;

(a) Such pension may be supplemented out of local funds by any Municipal Council, Public or High School Board or Board of Education, at its pleasure. 37 V., s. 44.

Teachers
under 60.

98. Every teacher under sixty years of age who has contributed as aforesaid and who is disabled from practising his profession, shall be entitled to a like pension, or local supplementary allowance, upon furnishing the like evidence, and upon furnishing to the Council from time to time, in addition thereto, satisfactory evidence of his being disabled. 37 V., s. 45.

\$1 per annum
extra to cer-
tain teachers.

(a) Every Teacher entitled to receive an allowance from the Superannuated Teachers' Fund, who holds a first or second class Provincial Certificate, or who is an authorized Head Master of a High School or Collegiate Institute, shall, in addition to said allowance or pension, be entitled to receive a further allowance at the rate of one dollar per annum for every year of service while he held such certificate, or while he acted as Head Master of a High School or Collegiate Institute. 37 V., s. 45a.

Proviso in
regard to
good moral
character.

99. The retiring allowance shall cease at the close of the year of the death of the recipient, and may be discontinued at any time should the pensioned teacher fail to maintain a good moral character, to be vouched for (when required) to the satisfaction of the Council of Public Instruction. 37 V., s. 46.

Resume pro-
fession.

100. If any pensioned teacher shall, with the consent of the Council, resume the profession of teaching, the payment of his

allowance shall be suspended from the time of his being so engaged.

(a) In case of his again being placed by the Council on the superannuation list, a pension for the additional time of
5 teaching shall be allowed him, on his compliance with this Act and the prescribed regulations. 37 V., s. 47.

101. No teacher shall be entitled to share in the superannuated teachers' fund, unless:— Condition of pension.

(a) He has contributed to said fund the sum of four dollars, 10 or more, per annum, during and for the period of his teaching school, or of his receiving aid from said fund.

(b) He furnishes satisfactory evidence to the Council of Public Instruction, of good moral character, age and length of service in this Province as a public or high school teacher, as 15 provided by this Act. 22 V., c. 64, s. 119, No. 6; 37 V.

102. The municipal treasurer, or other treasurer of school moneys, shall, at the end of each half-year, pay over to the order of the Inspector the amount of money which is in such treasurer's hands, being money which said Inspector has deducted, as re- School Treasurer to pay inspector superannuation money.
20 quired by law, from salaries of male teachers for the superannuated teachers' fund for such half-year, or which is due and payable by any male teacher to the fund. 34 V., c. 33, s. 43; 37 V., s. 48.

PART VII.—INSPECTORS OF PUBLIC SCHOOLS.

1. QUALIFICATIONS OF INSPECTORS—RESTRICTION.

2. APPOINTMENT, REMOVAL, AND SALARY OF INSPECTORS.

3. DUTIES OF COUNTY INSPECTORS.

- (1) *Oversight of Schools—Apportionment of Moneys.*
- (2) *Cheques to Teachers—Superannuation Moneys.*
- (3) *Visitation and Inspection of Schools—Lectures.*
- (4) *Management of Schools—Meetings of Mayors, Reeves, etc.*
- (5) *Settlement of Complaints and Differences.*
- (6) *Election List—Duty of Inspector.*
- (7) *Suspending and giving Teachers' Certificates.*
- (8) *Guided by Instructions—Annual Report.*
- (9) *Apportionment to Union School Sections.*

4. DUTIES OF CITY AND TOWN INSPECTORS OF SCHOOLS.

- (1) *Oversight and Examination of Schools.*
- (2) *Sections—Management of Schools—Text Books.*
- (3) *Meetings of Examiners—Teacher's Certificates.*
- (4) *Miscellaneous Sections.*

QUALIFICATIONS OF INSPECTORS—RESTRICTION.

103. The qualifications of county, city and town inspectors Qualifications of Inspectors.
25 shall, from time to time, be prescribed by the Council of Public Instruction, which shall determine the time and manner of examination of candidates for certificates of qualification as inspectors, and grant such certificates. 34 V., c. 33, s. 7.

School Inspector shall not hold certain offices.

104. No inspector shall be a teacher or trustee of any public, high or separate school while he holds the office of inspector. 22 V., c. 64, s. 90: 23 V., c. 49, s. 11.

2. APPOINTMENT, REMOVAL, AND SALARY OF INSPECTORS.

Appointment of Inspectors.

105. Each county inspector of public schools shall be appointed by the County Council, and every city or town inspector shall be appointed by the Public School Board of the city or town; 5

Conditions of dismissal of inspector.

(a) Any county, city, or town inspector shall be subject to dismissal by a majority of the members of the council or board appointing him in case of misconduct or inefficiency, or by a 10 vote of two-thirds of such council or board without such cause;

(b) County inspectors shall be subject to dismissal by the Lieutenant-Governor for misconduct or inefficiency;

(c) No dismissed inspector shall be re-appointed without the concurrence of the party who has dismissed him; 15

Qualification of inspectors.

(d) No person shall be eligible to be appointed an inspector who does not hold a legal certificate of qualification as required by the one hundred and third section of this Act. 34 V., c. 33, ss. 7, 8; 37 V., s. 52b.

Salary and remuneration of Inspectors.

106. The county remuneration of an inspector shall not be 20 less than five dollars per school per annum, to be paid quarterly, by the County Council;

(1) The County Council shall also have authority to determine and provide:—

(a) For the travelling expenses of the county inspector; 25

(a) It shall be lawful for the Lieutenant-Governor to direct the payment, out of the Consolidated Revenue, of an additional sum, not exceeding five dollars per school per annum, to each county inspector. 34 V., c. 33, s. 10.

Additional Allowance to County Inspectors.

Additional allowance to County Inspectors.

107. Every county school inspector shall be entitled to an 30 allowance from the county council, including travelling expenses, of such an amount as the council may determine, when not fixed by law, for performing the following additional duties:—

Equalizing assessments.

(1) Equalizing annually, with the mayors, reeves, or deputy- 35 reeves, as required by law, the assessments in union school sections or divisions.

Visiting new Townships.

(2) Visiting and inspecting schools, and giving special certificates to teachers in new and remote townships, under the authority of this Act. 37 V., s. 53. 40

Additional remuneration to inspectors in new districts.

108. Any inspector, or other duly qualified person, appointed to inspect schools in new and remote townships, and to advise and encourage the settlers to establish schools for their children, under the regulations and with the aid provided by law, or to report on any school matter, shall be entitled to such additional 45 or other remuneration out of any moneys appropriated by the Legislature for that purpose, as may be deemed just and equitable, considering the nature and extent of the duties to be performed. 37 V., s. 53a.

- 109.** No inspector of schools hereafter appointed shall, during his tenure of office, engage in or hold any other employment, office, or calling which would interfere with the full discharge of his duties as inspector as required by law. 37 V., s. 52. Inspector not to hold other offices.
- 5 **110.** In cases where an inspector requires the testimony of witnesses to the truth of any facts alleged in any complaint or appeal made to him, it shall be lawful for such inspector to administer an oath to such witnesses, or to require their solemn affirmation, before receiving their testimony. 37 V., s. 52c. Inspectors to swear witnesses in certain cases.
- 10 **111.** In the event of any county inspector resigning his office, the warden of the county within which such inspector held office, may appoint, from the list of those legally qualified, a fit and proper person to the office vacated, until the next ensuing meeting of the county council. 22 V., c. 64, s. 89: 34 V., c. 33, s. 7. Warden may supply vacancies in the office of Inspector.

3. DUTIES OF COUNTY INSPECTORS.

- 112.** It shall be the duty of every public school inspector in a county, and he is hereby empowered:— Duties of County School Inspectors.

(1.) *Oversight of Schools—Apportionment of Moneys.*

- (1) To have the oversight of all public schools in the townships and villages within the county or union of counties, or part of the county or union of counties for which he shall be appointed.
- (a) To have all the powers in every municipality within his jurisdiction, and be subject to all the obligations which are conferred or imposed upon Inspectors by this Act, according to such instructions as may be given to him, from time to time, by the Chief Superintendent of Education. 34 V., c. 33, s. 9. Jurisdiction, obligations, &c.
- (2) To distribute, unless otherwise instructed by the Chief Superintendent of Education, among all of the school sections and divisions under his jurisdiction, their respective portions of the public school fund apportioned to or raised by county rate within the townships under his charge, according to the ratio of the average attendance of pupils at each public school (the mean attendance of pupils for each half year being taken) as compared with the whole average number of pupils attending the public schools of every such township. 22 V., c. 64, s. 91, No. 1, and s. 106, No. 3: 34 V., c. 33, s. 30, No. 6; 37 V., s. 33a. To apportion School fund in accordance.
- (3) To apportion the school fund, but not give a cheque for any portion of it, to any school section which has not been conducted according to law and the regulations provided under its authority, or whose trustees have neglected to transmit to him their return of average attendance for the last preceding half-year. 22 V., c. 64, s. 91, No. 2: 34 V., c. 33, s. 30, No. 6 and s. 37. To apportion, but not pay unless trustees make half-yearly return.

(2.) *Cheque to Teachers—Superannuation Money.*

- 45 (4) To give to any qualified teacher, assistant, or monitor (but to none others), on the order of the trustees of any school section, a cheque upon the county treasurer or sub-treasurer, for any sum of money apportioned and due to the section, after deducting the teachers' superannuation moneys payable Give cheques to none but qualified teachers.

by the male teacher of the section, as provided in the next succeeding clause of this section. 22 V., c. 64, s. 91, No. 2 34 V., c. 33, s. 43.

Deduct
half yearly
payments.

(5) To deduct two dollars semi-annually for the superannuated teachers fund, from each half-yearly payment made by him on behalf of any male teacher holding a certificate of qualification within his jurisdiction, and transmit the same to the Education Department. 34 V., c. 33, s. 43. 5

Teachers' su-
perannuation
moneys.

(a) Every treasurer of school moneys is required to pay to the order of the inspector, at the end of every half-year, any male teacher's superannuation moneys in his hands. 10

Condition of
giving orders
to teachers.

(6) To give no cheque upon any trustees' order, except in the case of a new school section, unless a satisfactory annual school report for the year ending on the last day of December preceding has been received from the trustees; nor unless it appears by such report that a school has been kept by a qualified teacher in such section for at least six months during the year ending at the date of such report. 22 V., c. 64, s. 91, No. 2. 15

(3.) *Visitation and Inspection of Schools—Lectures.*

Make two
visits a year to
each school.

(7.) To visit every public school within his jurisdiction twice in a year, unless oftener required to do so by the county council which appointed him, or for the adjustment of disputes or otherwise; 20

(a) One of such half-yearly visits shall be made between the first of April and the first of October, and the other between the first of October and the first of April. 22 V., c. 64, s. 91, Nos. 3 and 8. 25

Examine the
state of the
school.

(8.) To examine at every half-yearly visit, into the state and condition of the school, as respects the progress of the pupils in learning—the order and discipline observed—the system of instruction pursued—the mode of keeping the school registers—the average attendance of pupils—the character and condition of the building and premises—and to give such advice as he may judge proper. 30

Deliver annual
lecture in each
section.

(9.) To deliver from time to time, under regulations prescribed by the Chief Superintendent, a public lecture or lectures in his county or division, on some subject connected with the objects, principles, and means of practical education; 35

(a) He shall also do all in his power to persuade and animate parents, guardians, trustees and teachers, to improve the character and efficiency of the public schools, and to secure the sound education of the young generally. 40

(4.) *Management of Schools—Meetings of Examiners, Reeves, etc.*

See to observ-
ance of lawful
regulations.

(10.) To see that all the schools are managed and conducted according to law; 45

(a) To prevent the use of unauthorized, and to recommend the use of authorized, books in each school; 50

(b) To acquire and give information as to the manner in which such authorized books can be obtained, and the economy and advantage of using them.

(11.) To apply, from time to time to the county council for suitable rooms or other accommodation for holding the examination of public school teachers in such county; 55

Attend certain
meetings.

(a) To attend and take part in the meetings of the Board of Examiners of public school teachers, as required by this Act; 60

(b) Also, in the meetings of the Board of Examiners for the admission of pupils to any high school in a township or village;

(c) Also, in the meetings for arbitrations appointed under the authority of this Act;

5 (12.) To meet and confer with the Chief Superintendent of Education at such time and place as he may appoint when making official visits to the county. 22 Vic., c. 64, s. 91, Nos. 3-8; 34 V., c. 33, ss. 11, 12, 18, 25 and 26; 37 V., s. 66.

10 (13.) To call and attend the meetings authorized to be held by this Act, for the formation or alteration of the boundaries of union school sections or divisions, and for the annual equalization of their assessments. 34 V., c. 33, s. 18.

15 (14.) To give the notice to the township clerk and to the school trustees in regard to the formation or any alteration in the boundaries of union school sections or divisions, as required by this Act. 34 V., c. 33, ss. 16, 18. Aid in forming Union Sections.

(5.) Settlement of Complaints and Differences.

(15.) To receive, investigate and decide upon any complaint: Mode of proceeding in contested elections in school sections.

20 (a.) In regard to the election of school trustees, made to him within twenty days after holding any public school meeting for the election of a trustee or trustees in any rural section, within the limits of his charge, or respecting the mode of conducting such election;

(b) In regard to the proceedings at any rural school meeting;

25 (c) According to the best of his judgment to confirm or set such proceeding or election aside, and appoint the time and place for a new election;

(d) No complaint in regard to any election or proceeding at a school meeting shall be entertained by any Inspector unless made to him in writing within twenty days after the holding of the election or meeting. 22 V., c. 64, s. 25; 23 V., c. 19, s. 13. Complaint within twenty days.

30 (16.) To appoint, in his discretion, the time and place for a special school section meeting, at any time, for any lawful purpose. 22 V., c. 64, s. 25. Call meetings.

35 (17.) To decide upon any difference of opinion between the auditors of the school accounts of any school section which may be referred to him. To decide disputes, appeal.

(18.) To decide upon any questions submitted to him which arise between interested parties under the operation of this Act;

40 (a) If he deems it advisable, the Inspector may refer any such question for settlement to the Chief Superintendent of Education. 22 V., c. 64, s. 91, No. 8; 23 V., c. 49, ss. 13 and 14.

(6.) Election Lists—Duty of Inspectors.

(19.) To prepare and exhibit publicly in his office, for the purpose of the election of a member to the Council of Public Instruction, not later than the fifteenth day of June, of the 45 years one thousand eight hundred and seventy four, and one thousand eight hundred and seventy-six, and not later than the fifteenth day of June of every subsequent second year thereafter, an alphabetical lists of the names and post-office addresses of all legally qualified teachers in the public and separate schools within 50 his municipality or jurisdiction, who may be entitled to vote at such elections. 37 V., s. 7. Inspector to prepare election lists.

(a) This list may be examined by any teacher of a public or separate school at all reasonable times for one month from such 15th day of June. 37 V., s. 8. Open to inspection.

- Errors.** (b) In case any interested party complains to the said Inspector in writing of the improper omission or insertion of any name in the said list, it shall be the duty of the Inspector forthwith to examine into the complaint, and rectify the error, if any there be. 37 V., s. 9. 5
- Transmit lists to Chief Superintendent.** (10.) To transmit to the Chief Superintendent of Education, not later than the fifteenth day of July in each of the aforesaid years, a duly certified copy of such corrected alphabetical list of legally qualified teachers (in a form to be provided for that purpose); 10
- (a) All the persons named in the list shall be deemed entitled to vote. 37 V., s. 10.
- Lists in case of vacancies.** (21.) To furnish to the Chief Superintendent, (in case an election to fill a vacancy is required to be made by the masters and teachers of the Public and Separate Schools) a new alphabetical list of voters, two weeks before the time fixed for such election, otherwise the list then last received by the Chief Superintendent shall be used. 37 V., s. 12. 15
- (6.) Suspending and giving Teachers' Certificates.*
- May suspend Teacher's Certificate.** (22) To suspend the certificate of qualification of any class or grade of any master or teacher, for any cause which may appear to him to require it; 20
- (a) The suspension of a provincial certificate, issued by the Chief Superintendent or Council of Public Instruction, shall continue until the case be reported to and decided by the Chief Superintendent; 25
- (b) Any other certificates suspended by the Inspector shall remain so until the next ensuing meeting of the County Board of Examiners of public school teachers, of which meeting due notice shall be given to the teacher whose certificate is suspended; 30
- (c) The suspension or cancelling of a teacher's certificate of qualification shall release the school trustees who employed the teacher from any obligation to continue him in their employment. 22 V., c. 64, s. 91, No. 9: 23 V., c. 49, s. 22.
- Report to Chief Superintendent.** (23) To report forthwith to the Chief Superintendent the suspension by him of a teacher's provincial certificate of qualification, issued by the Chief Superintendent or Council of Public Instruction; 35
- (a) The Inspector shall notify in writing, the teacher whose certificate he has suspended of the reasons of such suspension; 40
- (b) The Chief Superintendent shall finally decide the case. 23 V., c. 49, s. 22.
- May give temporary certificates to teachers** (24) To give any candidate, on due examination, according to the programme authorized for the examination of teachers, a certificate of qualification to teach a school within the limits of the charge of such Inspector until (but no longer than) the next ensuing meeting of the Board of Examiners of which such School Inspector is a member; 45
- (a) No such certificate shall be given a second time, or be valid, if given a second time, to the same person in the same county. 22 V., c. 64, s. 91, No. 10.
- To endorse 3rd class certificates.** (25) To endorse as valid within the county, riding or division in which he is inspector, any third class certificate issued by any county or city board of examiners, under such general regulations as may from time to time be prescribed under this Act. 37 V., s. 55

- (26) To examine and give, under such general regulations or instructions as aforesaid, special certificates from time to time, to teachers in new and remote townships in the county, riding or division in which he is inspector ;
- 5 (a) Such certificates shall be valid in such townships for the periods mentioned in the regulations. 36 V., s. 55. Certificates to teachers in new districts,
- (27) To examine and give, at his discretion, a special certificate to be valid for one year, to a senior pupil (or pupils) of a Public School or other person, to act as monitor or assistant, or
- 10 monitors or assistants, in such Public School, under general regulations and instructions framed by the Council of Public Instruction for that purpose. 37 V., s. 63. Monitors and assistants in public schools,
- (a) The inspector shall not grant such certificate without being fully satisfied that the pupil or person is qualified to
- 15 teach the subjects for which he has been or may be employed. Proviso,
- (7.) *Miscellaneous—Guided by Instructions—Annual Report.* Schools in unorganized townships,
- (28) To perform any duties required of him by this Act, in regard to the formation, alteration and assessment rolls of school sections in the unorganized townships. 37 V., ss. 56–62, Apply to council to alter sections,
- (29) To apply, at his discretion to the township council to alter the boundaries of any school section or school sections within his jurisdiction. 37 V., s. 32. School site compensation,
- 25 (30) To direct trustees at his discretion, as to the deposit with the county treasurer or other investment of the compensation awarded for school sites under the thirty-eighth section of this Act. 37 V., s. 39. Distance of non-resident pupils from school,
- (31) To decide any dispute which may arise as to the comparative distance of the homes of non-resident pupils from the school of their section, and from the school of an adjoining section or division. 37 V., s. 41a. Act as valuator,
- (32) To act jointly with two other persons as valuator of school section sites, school-houses and other school property in a township, as may be directed by a Township Council, and to report with them the result to the Council. 37 V., ss. 35, 36. Aid to poor schools.
- 35 (33) To recommend to the County Council such special or additional aid as he may deem advisable to be given to new or needy school sections in the county. 22 V., c. 64, s. 50. Superannation money,
- 40 (34) To give orders on the county treasurer or sub-treasurer, or on the treasurer of the school trustees or village corporation, for any moneys in his hands, deducted by such inspector, or otherwise payable by male teachers under his jurisdiction into the Superannuated Teachers' Fund. 37 V., s. 48.
- (35) To act in accordance with the regulations provided for his guidance, and the instructions given to him from time to time by the Chief Superintendent ; Observing regulations—Giving information to the Chief Superintendent and county auditors.
- 45 (36) To give any information in his power when desired to the Chief Superintendent of Education respecting any public school matter within his jurisdiction ;
- (37) To furnish the county auditors, when required, with the trustees' orders as the authority for his cheques upon the county
- 50 or sub-treasurer for school moneys. 22 V., c. 64, s. 91, No. 11. Hand over papers on retiring from office.
- (38) To deliver over to his successor, on retiring from office, copies of his official correspondence, and all school papers in his custody, on the order of the county council. 22 V., c. 64, s. 91, No. 11.
- 55 (39) To prepare and transmit to the Chief Superintendent of Education, on or before the first day of March, an annual re- Transmit annual report to

the Chief
Superin-
tendent.

port, which shall be in the form provided by the said Chief Superintendent, and which shall state—

(a) The whole number of schools and school sections, or parts of sections in each township within his jurisdiction ;

(b) The number of pupils over the age of five and under the age of sixteen taught in each school ; the number between the ages of sixteen and twenty-one years ; the whole number of children residing in each section, or part of a section, over the age of five and under the age of sixteen years ;

(c) The length of time a school has been kept by a qualified teacher in each of such sections or parts of sections ; the branches taught ; the number of pupils in each branch ; the books used ; and the average attendance of pupils, both male and female, in each half-year ;

Contents.

(d) The amount of moneys received and collected in each section or part of a section—distinguishing the amount apportioned by the Chief Superintendent of Education ; the amount received from county assessment ; the amount raised by trustees ; and the amount from any other and what sources ; also how such moneys have been expended, or whether any part remains unexpended, and from what causes ; and the annual salary of teachers, male and female, with and without board ;

(e) The number of school visits made by himself and others during the year ; the number of school lectures delivered ; the whole number of school-houses, their sizes, description, furniture and appendages ; the number rented ; the number erected during the year ; of what description ; and by what means ;

(f) The number of qualified teachers ; their standing, sex and religious persuasions ; the number, so far as he can ascertain, of private schools ; the number of pupils and subjects taught therein ; the number of libraries, their extent, and how established and supported ; also, any other information which he may possess respecting the educational state, wants and advantages in each township of his charge, and any suggestions which he thinks proper to make with a view to the improvement of schools and diffusion of useful knowledge. 22 V., c. 64, s. 91, No. 12.

(8.) *Apportionment to Union School Sections.*

How union
sections shall
be paid.

113. The School Inspectors of adjoining townships shall determine the sums to be paid from the public school fund of each township in support of the schools of union school sections consisting of portions of the townships ;

(a) They shall also determine the manner in which such sums shall be paid ;

(b) In the event of one person being inspector of the townships concerned, he shall act in behalf of all the townships. 22 V., c. 64, s. 92.

Warden to
decide in case
of dispute.

(c) In the event of the School Inspectors thus concerned not being able to agree as to the sum to be paid to each of the townships, the matter shall be referred to the warden of the county for final decision. 22 V., c. 64, s. 93.

DUTIES OF CITY AND TOWN INSPECTORS OF SCHOOLS.

- (1.) *Oversight and Examination of Schools.*
- (2.) *Lectures—Management of Schools—Text Books.*
- (3.) *Meetings of Examiners—Teachers' Certificates.*
- (4.) *Miscellaneous Duties.*

114. It shall be the duty of every Public School Inspector in a city or town, and he is hereby empowered:—

(1.) *Oversight and Examination of Schools.*

- (1) To have the oversight of all the public schools in the municipality for which he shall be appointed; 34 V., c. 33, ss. 6 and 9.
- (2) To have all the powers and be subject to all the obligations conferred and imposed upon Inspectors by this Act, according to such instructions as may from time to time be given to him, by the Chief Superintendent of Education. 34 V., c. 33, ss. 6 and 9.
- (3) To visit every public school within his jurisdiction, from time to time, and as often as may be required of him by the public school board. 22 V., c. 64, s. 79, No. 8 (c), s. 91, Nos. 3 and 8: 34 V., c. 33, ss. 6, 8 and 9. Make two visits a year to each school.
- (4) To examine, at his visits of inspection, into the state and condition of every school, as respects the progress of the pupils in learning—the order and discipline observed—the system of instruction pursued—the mode of keeping the school registers—the average attendance of pupils—the character and condition of the building and premises; Examine the state of the school.
- (5) To give such advice to the teachers, the pupils and officers of the school as he may judge proper. 22 V., c. 64, s. 91, No. 4: 34 V., c. 33, ss. 6, 8, and 9.

(2.) *Lectures—Management of Schools—Text Books.*

- (6) To deliver from time to time, as may be prescribed, a public lecture on some subject connected with the objects, principles, and means of practical education; Deliver annual lecture in each section.
- (7) To do all in his power to persuade and animate parents, guardians, trustees and teachers, to improve the character and efficiency of the public schools, and to secure the sound education of the young generally. 22 V., c. 64, s. 91, No. 5: 34 V., c. 33, ss. 6, 8 and 9.
- (8) To see that all the schools are managed and conducted according to law; See to observance of lawful regulations.
- (9) To prevent the use of unauthorized, and to recommend the use of authorized, books in every school—and to require and give information as to the manner in which such authorized books can be obtained, and the economy and advantage of using them. 22 V., c. 64, s. 91, No. 6: 34 V., c. 33, ss. 6, 8 and 9.

(3.) *Meetings of Examiners—Teachers' Certificates.*

- (10) To attend the meetings of the Board of High School Examiners and to perform the duties required of him in the examination of pupils for admission to the high school or collegiate institute; Attend certain meetings.
- (a) If a city inspector of schools to attend the meetings of

the City Board of Examiners, and perform the duties required of him in the examination of public school teachers;

(b) The City Inspector shall apply to the Public School Board for suitable rooms or other accommodation in which to hold the examination of Public School Teachers. 37 V., s. 66. 5

Confer with Chief.

(11) To meet and confer with the Chief Superintendent of Education at such time and place as he may appoint when making official visits to the county. 22 V., c. 64, s. 91, No. 7: 34 V., c. 33, ss. 6, 8, 9 and 38.

Give cheques to none but qualified teachers.

(12) To give, in conjunction with the Public School Board, 10 to any qualified teacher, assistant or monitor, but to none others, an order upon the treasurer for any salary due to such teacher;

Deduct Super annuation moneys.

(13) To deduct two dollars from the amount payable every half-year to any male teacher employed by the Board, as such teacher's contribution to the superannuated teachers' fund. 15 22 V., c. 64, s. 91, No. 2: 34 V., c. 33, ss. 6, 8, and 43.

(a) The School Treasurer is required to pay over such superannuated money to the order of the Inspector, at the end of every half year. 37 V. s. 48.

May suspend teacher's certificate.

(14) To suspend the certificate of qualification of any class 20 or grade, of any master or teacher, for any cause which may appear to him to require it;

(a.) The suspension of a Provincial certificate issued by the Chief Superintendent or Council of Public Instruction, shall continue until the case be referred to and decided by the Chief 25 Superintendent;

(b.) Other certificates suspended by the inspector shall remain so suspended until the next ensuing meeting of the City or County Board of Examiners, of which meeting due notice shall be given by the Inspector to the teacher whose certificate of 30 qualification has been suspended;

(c.) The cancelling or suspension of a teacher's certificate of qualification shall release the school trustees who employed the teacher from any obligation to continue him in their employment. 22 V., c. 64, s. 91, No. 9: 23 V., c. 49, s. 22: 34 V., 35 c. 33, ss. 6, 8 and 9.

Report Suspension.

(15.) To report forthwith to the Chief Superintendent the suspension by him of a teacher's certificate, issued by the Chief Superintendent or Council of Public Instruction, notifying in writing, the teacher, whose certificate is suspended, of the 40 reasons of the suspension;

(a.) The Chief Superintendent shall finally decide the case. 23 V., c. 49, s. 22: 34 V., c. 33, ss. 6, 8 and 9.

May give temporary certificates to teachers.

(16.) To give any candidate, on due examination, according to the programme authorized for the examination of teachers, a 45 certificate of qualification to teach a school within the limits of the charge of the Inspector until (but no longer than) the next ensuing meeting of the Board of Examiners of the city or county;

(a.) No such certificate shall be given a second time, or be 50 valid if given a second time, to the same person in the same municipality. 22 V. c. 64, s. 91, No. 10: 34 V. c. 33, ss. 6, 8 and 9.

Endorse third class certificates.

(17.) To endorse, under general regulations prescribed or instructions given under this Act, as valid within the city or 55 town, any third class certificate issued by any city or county board of examiners. 37 V., s. 55.

Monitors and assistants in Public Schools

(18.) To examine and give, under general regulations and instructions framed by the Council of Public Instruction for that

purpose, a special certificate, to be valid for one year, to a senior pupil, or pupils, of a Public School, or other person to act as monitor or assistant, or monitors or assistants in such Public School;

- 5 (a.) The inspector shall not grant such certificate without being fully satisfied that the pupil or person is qualified to teach the subjects for which he has been or may be employed. 37 V., s. 63.

- 10 (19.) To give an order, half yearly on the treasurer or secretary-treasurer, for any moneys in his hands, deducted by him or otherwise payable by male teachers employed by the board, to the Superannuated Teachers' Fund. 37 V., s. 48. Order for Superannuation money.

- 15 (20.) To decide, in case of dispute, as to the comparative distance of non-resident children from their home to the school of their section, or to the school of the city, town or division. 37 V., s. 41a. Distance of non-residents from school.

4. *Miscellaneous Duties.—Election Lists—Duty of Inspectors*

- (21.) To prepare and exhibit publicly in his office, for the purpose of the election of a member to the Council of Public Instruction, and not later than the fifteenth day of June, of the 20 years one thousand eight hundred and seventy four, and one thousand eight hundred and seventy-six, and not later than the fifteenth day of June of every subsequent second year thereafter alphabetically lists of the names and post office address of all legally qualified teachers in the public and separate schools. 25 within his municipality or jurisdiction, who may be entitled to vote at such elections. Inspector to prepare election lists.

- (a.) This list may be examined by any teacher of a public or separate school at any reasonable times for one month from such fifteenth day of June. 37 V., s. 8. Open to inspection.

- 30 (b.) In case any interested party complains to the said Inspector in writing of the improper omission or insertion of any name in the said list, it shall be the duty of the Inspector, forthwith to examine into the complaint, and rectify the error, if any there be. 37 V., s. 9. Errors.

- 35 22. To transmit to the Chief Superintendent of Education, not later than the fifteenth day of July in each of the aforesaid years, a duly certified copy of such corrected alphabetical list of legally qualified teachers (in a form to be provided for that purpose); Transmit lists to Chief Superintendent.

- 40 (a.) All the persons named in the list shall be deemed entitled to vote. 37 V., s. 10.

- (23.) To furnish to the Chief Superintendent, (in case an election to fill a vacancy is required to be made by the masters and teachers of the public and separate schools) a new alphabetical list of voters, two weeks before the time fixed for such election, otherwise the list then last received by the Chief Superintendent shall be used. 37 V., s. 12. Lists in case of vacancies.

- (24.) To act in accordance with the regulations and instructions provided by the Chief Superintendent for his guidance. Observing regulations—Giving information to the Chief Superintendent and county auditors.
- 50 (25.) To give any information in his power, when desired, to the Chief Superintendent of Education respecting any public school matter within his jurisdiction. 22 V., c. 64. s. 91, No. 11: 34 V., c. 33, ss. 6, 8 and 9.

- (26.) To deliver over to his successor, on retiring from office, 55 copies of his official correspondence, and all school papers in Hand over papers on re-

- tiring from office. his custody, on the order of the Public School Board. 22 V., c. 64, s. 91, No. 11: 34 V., c. 33, ss. 6, 8 and 9.
- Transmit annual report to the Chief Superintendent. (27.) To prepare and transmit to the Chief Superintendent of Education, on or before the first day of March, an annual report, in the form prescribed by the said Chief Superintendent. 22 V., c. 64, s. 91, No. 12: 34 V., c. 33, ss. 6, 8 and 9. 5
- Decide questions. (28.) To decide upon any questions submitted to him which may arise between interested parties under the operation of this Act, or ;
- (a.) If he deem it advisable, the inspector may refer any 10 such question to the Chief Superintendent. 22 V., c. 64, s. 91, No. 8.
- Perform other duties. (29.) To perform such other duties as may be required of him by the Public School Board, or the Chief Superintendent of Education. 22 V., c. 64, s. 79, No. 8 (c): s. 91, No. 11: 34 V., c. 15 33, s. 9.

PART VIII.—COUNTY AND CITY BOARDS OF EXAMINERS.

- 1.—APPOINTMENT—MEMBERS—QUORUM—REMUNERATION.
2. DUTIES OF THE BOARD—CERTIFICATES.

- (1.) *To grant Certificates.*
(2.) *Certificates only granted to Natural Born or Naturalized subjects of Her Majesty.*
(3.) *Under whose authority shall Certificates issue.*
(4.) *Certificates to Students of any Normal School in the British Dominions.*
(5.) *Certain old Certificates valid.*

County Board of Examiners constituted.— Examination of Public School Teachers.

115. Every county council, and every city public school-board, shall appoint a county or city board of examiners, for the examination and licensing of teachers, in accordance with the regulations provided by law ;

(a.) The board shall consist of the county or city Inspector 20 (as the case may be,) and two or more other competent persons, whose qualifications shall, from time to time, be prescribed by the Council of Public Instruction ;

(b.) In no such board shall the number of members exceed five ;

(c.) In all cases, the majority of the members appointed shall constitute a quorum for the transaction of business. 34 V., c. 33, s. 11. 25

Public School Teachers' Examinations to be held Yearly.

Only one examination of teachers be held yearly.

116. Not more than one examination per annum shall be held in the several counties and cities for the granting of Public School Teachers' certificates ; which examination shall be held sometime during the month of July ; as determined by the Council of Public Instruction. 34 V., c. 33, s. 7 ; 37 V., s. 65. 30

Examination in each division.

(a.) Where there are two Inspectors in any county, the county council may authorize and direct a separate examination 35 to be held in each division of the county. 37 V., s. 65.

County Council to provide

117. It shall be the duty of every county council and city public school board :—

(1.) To provide, upon the application of the inspector, suitable rooms or other accommodation, for holding the examination of teachers in the county or city. 37 V., s. 66. place for teachers' examinations.

(2.) To provide for the incidental expenses connected with the meeting and proceedings of the county or city Board of Examiners; County Council to defray Expenses.

(a.) Every member of the board of examiners shall be entitled to the same allowance from the county council or city board for his time, travelling and other expenses, as a member of the county council receives, for time and attendance at the county council, and to such additional allowance as may be determined by such council or board; Additional allowance to examiners.

(b.) The incidental expenses attending the meetings of such board, shall include the recompense to its members, the stationery, room, fuel, light, printing of notices, examination papers, and certificates, and such remuneration to the secretary of such board, as the board may deem just and expedient. 22 V., c. 64, s. 97, : 23 V., c. 49, s. 16 : 34 V., c. 33, ss. 6 and 11 ; 37 V., c. 54. Contingencies.

2. DUTIES OF THE BOARD.

118. It shall be the duty of every county and city board of examiners:—

(1.) *To grant Certificates.*

(1.) To examine and give certificates of qualification to candidates as teachers of public schools, according to their attainments and abilities, as prescribed in the authorized programme of examination and instructions under this Act; To examine Teachers and give certificates.

(a.) Every certificate of qualification, issued by any board of examiners, shall have the signature of at least one inspector of schools. 22 V., c. 64, s. 99 : 34 V., c. 33, ss. 11 and 12. Signature to Certificates.

(2.) To dispose of any case of suspension by an inspector of any county or city board certificate in such manner as a majority of the members present may think proper. 22 V., c. 64, s. 91, No. 9 ; 23 V., c. 49, s. 22 ; 34 V., c. 33, s. 12. To decide upon any case of suspension of County Board certificates by the Inspector.

(2.) *Certificates only granted to Natural Born or Naturalized Subjects of Her Majesty.*

119. No certificate shall be given to any person as a teacher, who does not furnish satisfactory proof of good moral character, or, who, at the time of applying for the certificate, is not a natural born or naturalized subject of Her Majesty, or who does not produce a certificate of having taken the oath of allegiance to Her Majesty, before a Justice of the Peace for the municipality in which such person resides. 22 V., c. 64, s. 99. Teachers to be moral, and to be subjects of Her Majesty.

(3.) *Under whose authority Certificates shall issue.*

120. First-class Provincial certificates of qualifications shall, on the report of the Central Committee of Examiners, be awarded to teachers by the Council of Public Instruction ;

(b.) Second class Provincial certificates may, upon the report of the Central Committee of Examiners, be awarded by the Council of Public Instruction, to candidates eligible for first-class certificates who may fail to come up to the required standard ; 1st and 2nd class provincial certificates

(c.) First and second class Provincial certificates by the Chief Superintendent, on the report of the Central Committee of Examiners, as provided by this Act. 22 V., c. 64, s. 107; 37 V., ss. 67 and 68.

(d.) Second and third class certificates shall be awarded to 5 eligible candidates by county and city boards of examiners;

(e.) First and second class Provincial certificates only, given under the authority of this Act, shall be permanent during the good behaviour of the holders, and valid in all the municipalities of the Province. 34 V., c. 33, s. 12; 37 V., s. 64. 10

(4.) *Certificates to Students of any Normal School in the British Dominions.*

Certificates to students of any Normal School in British Dominions.

121. Upon passing the requisite examination, special certificates may be issued by the Chief Superintendent of Education, (under the prescribed regulations) to any person who has been trained at any Normal School or other Training Institution for Teachers, or who has been duly certificated or licensed by 15 any recognized body as a school teacher in any part of the British Dominions;

Nature of qualifications.

(a) Such certificates shall specify, among other qualifications, the standing of such person at the Normal School, or other Training Institution, and the extent of his ability and 20 aptitude to teach, as evidenced by his certificates or testimonials from such Normal School, or other body, to the satisfaction of the Chief Superintendent of Education. 37 V., s. 67.

(5.) *Certain Old Certificates Valid.*

Former certificates continued.

122. All certificates of qualification of teachers granted before the fifteenth day of February, in the year one thousand 25 eight hundred and seventy-one, shall remain in force in their respective municipalities on the terms and conditions of the Act under which they were granted; and upon their ceasing to be valid, as provided by law, other than by the confirmation of their suspension, they may be renewed from time to time 30 under the regulations and programmes prepared under the authority of this Act. 34 V., c. 33, s. 12.

123. Every public school teacher's first-class certificate issued under the School Laws of this Province, by a County Board before the fifteenth day of February, one thousand eight hun- 35 dred and seventy-one, and now legally valid (not having been recalled, suspended, or cancelled according to law), in any city or county, shall remain valid in such county or city during the good behaviour of the holder. 37 V., s. 72a.

(a) Every public school second-class teacher's certificate 40 issued before such time, and under like authority, and now legally valid, as aforesaid, shall, (when such teacher shall have taught for a period of not less than ten years in Ontario), continue to be valid during good behaviour in such county or city. 37 V., s. 72a. 45

PART IX.—SCHOOL VISITORS AND THEIR DUTIES.

Public School Visitors defined.

124. All clergymen recognized by law, of whatever denomination, all Judges, Members of the Legislature, Members of County Councils, and Aldermen, shall be school visitors in the townships, cities, towns, and villages where they respectively reside:

(a) Persons holding the commission of the peace for the county only, shall not be school visitors within towns and cities;

(b) Every clergyman shall be a school visitor only in the township, town, or city where he has pastoral charge. 22 V., c. 64, s. 100.

125. Each of the school visitors may visit the public school in the township, city, town, or village;

Their authority to visit the Public Schools

(a) They may attend the quarterly examination of schools, and, at the times of any such visit, may examine the progress of the pupils, and the state and management of the school, and give such advice to the teacher and pupils, and any others present, as he thinks advisable, in accordance with the regulations and instructions provided in regard to school visitors. 22 V., c. 64, s. 101.

126. A general meeting of the visitors may be held at any time or place appointed by any two visitors, on sufficient notice being given to the other visitors in the township, city, town, or village;

General Meeting of School Visitors.

(a) The visitors thus assembled, may devise such means as they deem expedient for the efficient visitation of the schools, and for promoting the establishment of libraries and the diffusion of useful knowledge. 22 V., c. 64, s. 102.

PART X.—THE CHIEF SUPERINTENDENT OF EDUCATION, AND HIS DUTIES.

1. APPOINTMENT—SALARY—RESPONSIBILITY.

2. POWERS AND DUTIES OF CHIEF SUPERINTENDENT.

(1.) *Apportionment of School Grants.*

(2.) *Give Necessary Instructions—Decide Complaints and Appeals.*

(3.) *Normal School—School Architecture—Teachers' Institutes.*

(4.) *Council of Public Instruction—Report and Returns.*

3. APPEAL FROM DIVISION COURT DECISIONS.

4. SPECIAL CASES TO BE SUBMITTED TO SUPERIOR COURTS.

(1.) APPOINTMENT—SALARY—RESPONSIBILITY.

127. The Lieutenant-Governor may, from time to time, by Letters Patent under the Great Seal of the Province, appoint a fit and proper person to be Chief Superintendent of Education for Ontario, who shall hold the office during pleasure. 22 V., c. 64, s. 103.

A Chief Superintendent to be appointed.

128. The Chief Superintendent shall be responsible to the Lieutenant-Governor, and be subject to his direction, communicated through any department of the Provincial Government. 22 V., c. 64, s. 104.

His responsibility to the government.

(2.) POWERS AND DUTIES OF THE CHIEF SUPERINTENDENT.

129. It shall be the duty of the Chief Superintendent of Education, and he is hereby empowered:—

Duties of the Chief Superintendent.

1. *Apportionment of School Grants.*

(1) To apportion annually, on or before the first day of May, all moneys granted or provided by the Legislature for the sup-

Apportioning Legislative Grant.

port of public schools in (and not otherwise appropriated by law) to the several counties, townships, cities, towns, and incorporated villages, according to the ratio of population in each, as compared with the whole population of Ontario ;

(a) When the census or returns upon which such an apportionment is to be made, are so far defective in respect of any county, township, city, town, or village, as to render it impracticable for the Chief Superintendent to ascertain therefrom the share of school moneys which ought to be so apportioned, he shall make the apportionment according to the ratio in which, by the best evidence in his power, the same can be most fairly and equitably made. 22 V., c. 64, s. 106, No. 1. 5 10

Notice to the provincial treasurer and county clerks.

(2) To certify to the Provincial Treasurer the apportionments made by him, so far as they relate to the several counties, cities, towns and incorporated villages ; 15

(a) To give immediate notice of the apportionment to the clerk of each county, city, town, and village interested therein, stating the time when the amount of moneys so apportioned will be payable to the treasurer of the county, city, town or village. 22 V., c. 64, s. 106, No. 2. 20

Distribution by school inspectors.

(3) To direct the county inspector, if he shall deem it expedient, as to the distribution of the public school fund of any township among the several school sections or parts of section, entitled to share in the same, according to the length of time in the year, during which a school has been kept open by a legally qualified teacher in each of such sections or parts of sections. 22 V., c. 64, s. 91, No. 1, and s. 106, Nos. 3 and 7 : 34 V., c. 33, s. 9. 25

Protecting school moneys. —Deciding complaints.

(4) To see that all moneys apportioned by him are applied to the objects for which they are granted ; and for that purpose, and when not otherwise provided for by law, to decide upon all matters, disputes and complaints submitted to him, which involve the expenditure of any part of the school fund. 22 V., c. 64, s. 106, No. 7, s. 120, No. 2, and ss. 123 and 124 : 34 V., c. 33, s. 9. 30 35

(5) To have authority to decide upon all other disputes and complaints laid before him, the settlement of which is not otherwise provided for by law, and upon all appeals made to him from the decision of any inspector or other school officer. 22 V., c. 64, s. 91, 91, No. 8, and s. 106, No. 7 : 23 V., c. 49, ss. 8 40 and 14.

Application of balances of the school fund.

(6) To direct the application of the balances of the school fund apportioned for any year, which may be forfeited according to the provisions of this Act, towards making up the salaries of teachers in the county to which the same has been apportioned. 22 V., c. 64, s. 106, No. 8, and ss. 120-124. 45

Short Municipal assessments.

(7) To deduct, (should the municipal corporation of any county, city, town or village, raise in any one year, a less sum than that apportioned to it, out of the Legislative school grant, a sum equal to the deficiency), from the apportionment to such county, city, town or village, in the following year. 22 V., c. 64, s. 124. 50

(2.) Give necessary Instructions—Decide Complaints and Appeals.

Preparing forms and regulations.

(8) To prepare suitable forms, and to give such instructions as he may judge necessary and proper, for making all reports, and conducting all proceedings under this Act. 22 V., c. 64, s. 106, No. 5 : 34 V., c. 33, s. 9. 55

(9) To cause the forms and instructions, together with such general regulations as may be approved of by the Council of Public Instruction for the better organization and government of public schools, to be transmitted to each trustee, corporation and inspector required to execute the provisions of this Act. 22 V., c. 64, s. 106, No. 5.

(10) To cause to be printed, from time to time, in a convenient form, so many copies of this Act, with the necessary forms, instructions, and regulations to be observed in executing its provisions, as he may deem sufficient for the information of each trustee, corporation and inspector of public schools, and to cause the same to be distributed for that purpose. 22 V., c. 64, s. 106, No. 6.

(11) To equitably decide, subject to an appeal to the Lieutenant-Governor, whose award shall be final, upon any case of dispute or disagreement between trustees of Roman Catholic separate schools and inspectors of public schools, or other municipal authorities, which may be referred to his equitable arbitrament. 26 V., c. 5, s. 27.

(3). *Appoint Deputy—Conductors of Teachers Institute—Plans of School Houses—Library—Text-Books.*

20 (12) To appoint:

(a) One of the clerks in the Education Department to be his deputy to perform the duties of his office in his absence; 22 V., c. 64, s. 106, No. 9.

Appointing a deputy and special inspectors. May appoint a deputy.

(b) One or more persons, as he, from time to time deems necessary, to inspect any school or schools, or to inquire into and report to him upon any school matter. Such Inspector, or other person or persons, shall be entitled to such remuneration out of any moneys appropriated by the Legislature for that purpose, as may be deemed just and equitable, considering the nature and extent of the duties to be performed. 22 V., c. 64, s. 106, No. 7; 37 V., s. 53a.

Remuneration.

(13) To appoint proper persons to conduct county teachers institutes: and to furnish such rules and instructions as he may judge advisable in regard to the proceedings of such institutes, and the best means of promoting and elevating the profession of school teaching and increasing its usefulness. 22 V., c. 64, s. 106, No. 14 and s. 120, No. 2, F.

Appoint conductors of teachers' institutes.

(14) To provide and recommend the adoption of suitable plans of school-houses, with the proper furniture and appendages; and to collect and diffuse among the people of Ontario useful information on the subject of education generally. 22 V., c. 64, s. 106, No. 12, and s. 120, No. 2, G.

To provide plans for school houses, and to disseminate useful information.

(15) To employ all lawful means in his power to procure and promote the establishment of school libraries for general reading, in the several counties, townships, cities, towns and villages. 22 V., c. 64, s. 106, No. 11, and s. 120, No. 2, (c and d.)

Establishing school libraries.

(16) To apportion the moneys provided by the Legislature for the establishment and support of School Libraries and prizes, and in providing the Schools with maps and apparatus. 22 V., c. 64, s. 106; No. 4, s. 120, No. 2; 37 V.

Apportioning library grant.

(a) No aid shall be given towards the establishment or support of any school library, and in providing prizes, maps and apparatus, unless an equal amount be contributed and expended from local sources for the same object. 22 V., c. 64, s. 106, No. 4, s. 120, No. 2, (C. and D.), 37 V., s. 71.

Condition.

Text Books,

(17) To use his best endeavours to provide for and recommend the use of uniform and approved text-books in the schools generally. 22 V., c. 64, s. 106, No. 10.

4.) *Council of Public Instruction --Additional Catalogue--
Report and Returns.*

(18) To prepare and lay before the Council of Public Instruction, for its consideration, such general regulations for the organization and government of schools, and the management of school libraries, as he may deem necessary and proper. 22 V., c. 64, s. 106, No. 13. 5

To submit books, manuscripts, and general regulations to the Council of Public Instruction
Chief Superintendent to issue catalogues.

(19) To submit to the Council of Public Instruction, all books or manuscripts which, are placed in his hands, with the view of obtaining the recommendation or sanction of the Council for their introduction as text, library or prize books. 22 V., c. 64, s. 106, No. 13, 37 V. 10

(20) To cause to be printed from time to time a catalogue, showing the names and prices of all the books which are or may be sanctioned by the Council of Public Instruction for libraries and for prizes in the schools. 37 V. 15

Additional catalogue.

(21) To cause to be printed each half year a catalogue of any additional books which may be sanctioned by the Council for said purposes. 37 V. 20

Education Department to pay one-half of the cost of library and prize books by municipal and school corporations.

(22) To authorize the payment out of any moneys appropriated by the Legislature for that purpose, of one-half of the cost of any prize or library book sanctioned by the Council of Public Instruction, for Public and High Schools and Collegiate Institutes which may be purchased by a Municipal or School Corporation from any bookseller or other parties, instead of at the Depository of the Education Department; such payment shall be made to the order of the Corporation purchasing the books at the prices therein specified, on the following conditions:— 25 30

Conditions.

(a) The Chief Superintendent shall be duly certified of the facts; 30

(b) He shall be furnished with the usual guarantee as to the proper disposition of the books, which may be purchased elsewhere than at the Depository; 35

(c) He shall be furnished with certified vouchers of the cost, edition and binding of the books so purchased elsewhere.

(d) He shall not pay more than one-half of the cost of the books so purchased elsewhere, according to the prices specified for them in the printed catalogues, or in the authorized lists published in the *Journal of Education*. 37 V., s. 71. 40

Matter referred to Council.

(23) To refer, at his discretion to the Council of Public Instruction for its inquiry into, and report upon, any matter connected with the administration of the School System, or with the interests of schools. 37 V., s. 20. 45

Account for moneys to Legislature.

(24) To lay before the Legislature at each sitting thereof, a correct and full account of the disposition and expenditure of all moneys which come into his hands as Chief Superintendent. 22 V., c. 64, s. 106, No. 18, and s. 120, No. 2.

To report annually on schools.

25. To make annually to the Lieutenant-Governor, on or before the first day of July, a report of the actual state of the Normal, Model, High and Public Schools throughout Ontario, showing the amount of moneys expended in connection with each, and from what sources derived, with such statements and suggestions for improving the schools and the school laws, and 55

promoting education generally, as he may deem useful and expedient. 22 V., c. 64, s. 106, No. 17, and s. 120, No. 1.

3. CERTAIN GRANTS AUTHORIZED.

1. *Through the Chief Superintendent of Education.*

130. Out of certain grants authorized from time to time in aid of schools, and not otherwise expressly appropriated by law, the Lieutenant-Governor in Council may authorize the expenditure annually of such sums as may from time to time be voted by the Legislature for the purposes following:—

Certain grants authorized.

(1) For the purchase, from time to time, of books, publications, specimens, models, and objects suitable for a Canadian library and museum, to be kept in the Normal School buildings at Toronto, and to consist of books, publications, and objects relating to education and other departments of science and literature, and specimens, models, and objects illustrating the physical resources and artificial productions of Canada, especially in reference to mineralogy, zoology, agriculture, and manufactures.

Through the Chief Superintendent of Education.

Museum.

(2) For supplying a copy of the *Journal of Education* to every School Corporation and every School Inspector.

Journal of Education.

(3) For the establishment and support of school libraries.

Libraries.

(4) For providing the schools with maps and apparatus and prizes upon the same terms, and in the same manner as books are provided for school libraries.

Prizes, maps, and apparatus.

(5) For the payment of assistant clerks, and a sales-man of the public library, prize, map and school apparatus depositories, in connection with the Department of Public Instruction.

Depository clerks.

(6) For the encouragement of Teachers' Institutes.

Teachers' Institutes.

(7) For procuring plans and publications for the improvement of school architecture and practical science, in connection with schools.

School architecture.

(8) For special aid to public schools in new and poor townships. 22 V., c. 64, s. 120: 37 V.

Poor Schools.

4. APPEALS FROM DIVISION COURT DECISIONS.

131. It being highly desirable that uniformity of decision should exist in cases within the cognizance of the Division Courts and tried in such courts, in which the school inspectors, trustees, teachers, and others acting under the provisions of this Act are parties, the Judge of any Division Court wherein any such action may be tried, may, at the request of either party, order the entering of judgment to be delayed for a sufficient time to enable such party to apply to the Chief Superintendent of Education to appeal the case;

Uniformity of Decisions in Division Courts.

(a) After notice of appeal has been served as hereinafter provided, no further proceeding shall be had in such case until the matter of appeal has been decided by a Superior Court. 22 V., c. 64, s. 108: 34 V., c. 33, s. 27.

132. The Chief Superintendent may, within one month after the rendering of judgment in any such case, appeal from the decision of the Division Court Judge to either of the Superior Courts of Law at Toronto, by serving notice in writing of such appeal upon the clerk of the Division Court appealed from, which appeal shall be entitled "The Chief Superintendent of

Chief Superintendent may appeal from such Court to the Superior Courts of Law.

Education for Ontario, Appellant, in the matter between (A. B. and C. D.)' 22 V., c. 64, s. 109.

Judge to send
Papers to Su-
perior Court,
and Chief
Superintend-
ent.

133. The Judge, whose decision is thus appealed from, shall thereupon certify under his hand, to the Superior Court appealed to, the summons and statement of claim and other proceedings in the case, together with the evidence and his own judgment thereon, and all objections made thereto; 5

(a) On the Judge receiving an intimation of appeal from his decision (under the authority of this Act,) he shall thereupon certify under his hand, to the Chief Superintendent of Education, the statement of claim and other proceedings in the case, together with the evidence and his own judgment thereon, and all objections made thereto. 22 V., c. 64, s. 110: 34 V., c. 33, s. 28. 10

Superior Court
to give such
Order as Law
and Equity
require.

134. The matter shall be set down for argument at the next term of the Superior Court; 15

(a) Such Court shall give such order or direction to the Court below, touching the judgment to be given in the matter, as law and equity require;

(b) The Court shall also in its discretion award costs against the appellant, which costs shall be certified to and form part of the judgment of the Court below. 22 V., c. 64, s. 111. 20

Proceedings
in Division
Court thereon.

135. Upon receipt of such order, direction, and certificate, the Judge of the Division Court shall forthwith proceed in accordance therewith. 22 V., c. 64, s. 112. 25

Costs of
Appeal

136. All costs awarded against an appellant, and all costs incurred by him, shall be paid by the Chief Superintendent, and charged as contingent expenses of his office. 22 V., c. 64, s. 113.

5. SPECIAL CASES TO BE SUBMITTED TO SUPERIOR COURTS.

137. It shall be competent for the Chief Superintendent of Education, should he deem it expedient, to submit a case on any question arising under the High or Public School Acts, to any Judge of either of the Superior Courts for his opinion and decision, or, with the consent of such Judge, to either of the Superior Courts for their opinion and decision. 23 V., c. 49, s. 23. 30 35

2. APPORTIONMENT PAYABLE ON FIRST OF JULY.

Grant pay-
able on the
first of July
in each year.

138. The sum of money annually apportioned by the Chief Superintendent of Education to every county, township, city, town, or village, in aid of public schools therein respectively, shall be payable by the Provincial Treasurer on or before the first day of July in every year, to the treasurer of every county, city, town, and village, in such way as the Lieutenant-Governor from time to time directs. 22 V., c. 64, s. 123. 40

3. PUBLIC SCHOOL FUND DEFINED.

Public School
Fund defined.

139. The legislative school grant, together with, at least, an equal sum, raised annually by local assessment, shall constitute and be called the public school fund of the county, township, city, town or village; 45

(a.) No part of the salaries of the Chief Superintendent, school inspectors, nor of any other persons (except teachers employed), or of any expenses incurred in the execution of this Act, shall be paid out of the said public school fund, but such fund shall wholly, and without diminution, be expended in the payment of teachers' salaries. 22 V., c. 64, s. 123. For teachers' salaries only.

4. CONDITION OF PAYING LEGISLATIVE GRANT.

140. No county, city, town or village shall be entitled to a share of the legislative school grant without raising by assessment a sum at least equal (clear of all charges for collection) to the share of the said school grant apportioned to it; Conditions of receiving share of grant.

(a.) Should the municipal corporation of any county, city, town or village, raise in any one year a less sum than that apportioned to it out of the legislative school grant, the Chief Superintendent of Education shall deduct a sum equal to the deficiency, from the apportionment to such county, city, town or village, in the following year. 22 V., c. 64, s. 124.

PART XIII.—GENERAL AND SPECIAL PROVISIONS

1. PROVISIONS OF GENERAL APPLICATION.

- (1.) *Public Schools to be Free Schools.*
- (2.) *Religious Exercises—Protection of Pupils.*
- (3.) *School Officers shall not act as Book Agents.*
- (4.) *No Foreign Books to be used without permission.*
- (5.) *Admission of Non-resident Pupils.*
- (6.) *Non-Resident Children—Exception.*
- (7.) *All wance to Arbitrators and Inspectors.*
- (8.) *Written Agreements between Trustees and Teachers.*
- (9.) *Holidays and Vacations in Public Schools.*

2. UNION OF PUBLIC AND HIGH SCHOOLS.

3. PROVISIONS RELATING TO MUNICIPAL COUNCILS.

- (1.) *Municipal Councils may Invest Educational Moneys.*
- (2.) *Municipal Loan Fund Moneys applied to School Houses.*
- (3.) *Township, Village, Town, or City Councils to pay Non-Resident Rates.*

4. RIGHT OF CHILDREN TO ATTEND SCHOOL.

(1.) PROVISIONS OF GENERAL APPLICATION.

(1.) *Public Schools to be Free Schools.*

141. All public schools, shall be free schools;

(a.) The trustees of rural school sections, and the municipal councils of cities, towns, villages and townships, shall, in the manner provided by this Act, levy and collect the rate upon the taxable property of the school division (municipality or section, as the case may be), to defray the expenses of the schools, as determined by the trustees thereof. Public schools to be free.— Fees in cities, &c., for text-books.

(b.) Trustees in cities, towns and villages may collect from parents or guardians a sum not exceeding twenty cents per month per pupil, to defray the cost of text books, stationery, and other contingencies. 34 V., c. 33, s. 1.

(2.) *Religious Exercises—Protection of Pupils*

Pupils not to be required to observe religious exercises objected to by their parents.

142. No person shall require any pupil in any public school to read or study in or from any religious book, or to join in any exercise of devotion or religion objected to by his or her parents or guardians;

(a) Pupils shall be allowed to receive such religious instructions as their parents and guardians desire, according to any general regulations provided for the organization, government and discipline of public schools. 22 V., c. 64, s. 119, No. 4, and s. 129. 5

(3.) *School Officers shall not act as Book Agents.*

No inspector, trustee, teacher, etc., shall act as agent for the sale of books, maps, etc.

143. No teacher, trustee, inspector or other person officially connected with the Education Department, the Normal, Model, Public or High Schools or Collegiate Institutes, shall become or act as agent for any person or persons to sell, or in any way to promote the sale for such person or persons, of any school, library, prize or text-book, map, chart, school apparatus, furniture or stationery, or to receive compensation or other remuneration or equivalent for such sale, or for the promotion of sale in any way whatsoever. 31 V., s. 72. 10 15

(4.) *No Foreign Books to be Used without permission.*

Foreign books not to be used without the permission of the Council of Public Instruction.

144. No person shall use any foreign books in the English branches of education, in any model or public school, without the express permission of the Council of Public Instruction; 20

(a) No portion of the Legislative School Grant shall be applied in aid of any school in which any book is used that has been disapproved of by the Council of Public Instruction, and public notice given of such disapproval. 22 V., c. 64, s. 128. 25

(5.) *Admission of Non-Resident Pupils.*

Non-resident pupil to be admitted on payment of fee.

145. The trustees of every school section, municipality or division, shall have authority to admit non-resident pupils to their school, on payment, in advance, of fees or rate-bill not exceeding fifty cents a month per pupil;

(a.) It shall be their duty to admit on the terms aforesaid, any non-resident pupils who reside nearer to such school than to the school in their own section; 30

(b.) In case of dispute as to the distance from the school, the inspector shall decide. 37 V., s. 41a.

(6.) *Non-Resident Children—Exception.*

A resident in one section sending his children to another section.

146. Any person residing in one school section or division, and sending his child or children to the school of a neighbouring one, shall, nevertheless, be liable for the payment of all rates assessed on his taxable property for the school purposes of the section, or division, in which he resides, as if he sent his child or children to the school of such section or division; 35 40

(a.) A non-resident child or children shall not be returned as attending any other than the school of the section, or division, in which the parents or guardians of the child or children reside;

(b.) This section shall not apply to persons sending children to or supporting separate schools; 45

(c.) Nor shall this section prevent any person who may be taxed for public school purposes on property situate in a different school section, or division, from that in which he resides, from sending his children to the school of the section, or division, in which the property may be situate, on as favourable terms as if he resided in such section, or division. 22 V., c. 64, s. 126.

Exception as to separate schools and non-resident ratepayers.

(7.) *Allowance to Arbitrators and Inspectors.*

147. Arbitrators appointed under the authority of this Act, and School Inspectors engaged in investigating and deciding upon school complaints and disputes, shall be entitled to the same remuneration per diem for the time thus employed as are members of the municipal council of their county for their time and attendance at council meetings;

Special allowance to School Inspectors and Arbitrators.

(a.) The parties concerned in such disputes shall pay all the expenses incurred in them, according to the award or decision of the arbitrators and school inspectors respectively. 23 V., c. 49, s. 15.

(8.) *Written Agreements between Trustees and Teacher.*

148. All agreements between trustees and teachers, to be valid and binding, shall be in writing, signed by the parties thereto, and sealed with the corporate seal of the trustees;

Valid agreement with teacher.

(a) Such agreements may lawfully include any stipulation to provide the teacher with board and lodging;

(b) Such agreements shall be authorized, and all other acts of any school corporation to be valid and binding, shall be considered and adopted as provided in the twenty-fourth section of this Act. 22 V., c. 64, s. 27, No. 8: 23 V., c. 49, ss. 7 and 12: 34 V., c. 33, s. 30 (3).

(9.) *Holidays and Vacations in Public Schools.*

149. Every Saturday shall be a holiday in the public schools;

Public School Holidays and Vacations.

(a) The summer vacation in the schools shall be from the fifteenth day of July to the fifteenth day of August inclusive. 23 V., c. 49, s. 17: 34 V., c. 33, s. 29.

(10.) *School Lands granted before 1850 vested in Trustees.*

150. All lands which, previous to the twenty-fourth day of July, one thousand eight hundred and fifty, were granted, devised or otherwise conveyed to any person or persons in trust for common school purposes, and which are now held by such person or persons, or their heirs or other successors in the trust, are hereby vested in the public school trustees of the school section or division in which such lands are respectively situate, to be held by said public school trustees and their successors upon the like trusts, and subject to the same conditions and estates as the said lands are now respectively held. 37 V., s. 39a.

School lands granted before 1850 vested in public school trustees.

2. UNION OF HIGH AND PUBLIC SCHOOLS.

151. In all cases of the union of High School (or Collegiate Institute) and Public School Trustee Corporations now exist-

Union of High and Public

School Trustees.	ing, all the members of both Corporations shall constitute a joint Board, and shall, as long as the union exists, be a Corporation, under the name of <i>The Board of Education for the City (Town, or Incorporated Village of</i> , or School Section, No. , in the Township of , as the case may be);	5
Name.		
Power.	(a) Seven of the members of the Board shall form a quorum; and such Board shall have the powers of the Trustees of both the Public and High Schools. 22 V., c. 63, s. 25, No. 7: 37 V., ss. 11, 12, & 44.	10
	(b) The Board may, at its discretion, supplement the pension granted to any teacher by the Council of Public Instruction. 37 V., s. 44.	
Union may be dissolved.	(c) The union may be dissolved at the end of any year by resolution of a majority present at any lawful meeting of the said Board of Education called for that purpose;	15
Disposition of school property.	(d) On the dissolution of such union, the school property held or possessed by the Board of Education at the time, shall be divided or applied to school purposes, as may be agreed upon by a majority of the Public School Trustees and of the High School (or Collegiate Institute) Trustees respectively, present at meetings called for that purpose;	20
	(e) If the Trustees fail so to agree within the space of six months after such dissolution, then the division shall be made by the Municipal Council of the city, town, or incorporated village within the limits of which such Public and High Schools (or Collegiate Institute) are situated;	25
By whom made.	(f) Should the High School be situated in a School Section or unincorporated village, the division (in case of failure to agree as aforesaid) shall be made by the County Council;	30
	(g) After the first day of July, one thousand eight hundred and seventy-four, no Public School, or department thereof, shall be united with a High School or Collegiate Institute. 37 V., s. 30.	

3. PROVISIONS RELATING TO MUNICIPAL COUNCILS.

(1.) *Municipal Councils may Invest Educational Moneys.*

Loan to board of school trustees by municipalities.	152. Any municipal corporation having surplus moneys derived from the Upper Canada Municipalities Fund, or from any other source, other than from any distribution of the Provincial surplus, may by by-law set such surplus apart for educational purposes, and invest the same, as well as any other moneys held by such municipal corporation for, or by it lawfully appropriated to, educational purposes, in public securities of the Dominion, Municipal Debentures, or in first mortgages on real estate, held and used for farming purposes, and being the first lien on such real estate, and from time to time, as such securities mature, may invest in other like securities, or in the securities already authorized by law, as may be directed by such by-law, or by other by-laws passed for that purpose: Provided always, that any sum so invested shall not exceed two-thirds of the value of the real estate on which it is secured, according to the last revised and corrected assessment-roll at the time it is so invested. 36 V., c. 48, s. 270.	35 40 45 50
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153. Any municipal corporation having surplus moneys set apart for educational purposes, may, by by-law, invest the

same in a loan or loans to any board or boards of school trustees within the limits of the municipality, for such term or terms, and at such rate or rates of interest as may be agreed upon by and between the parties to such loan or loans respectively, and set forth in such by-law, or may by by-law grant any portion of such moneys or other general funds by way of gift to aid poor school sections within the municipality. 36 V., c. 48, s. 271.

(2.) *Municipal Loan Fund Moneys applied to School-Houses.*

154. All moneys paid to any municipality, or to which it is entitled, under the Municipal Loan Fund Act (36 V., c. 47), shall be applied by the municipality in aid of building or improving schools, or shall be applied in or to the other purposes specified in said Act. 36 V., c. 47, s. 12.

Municipal Loan Fund in aid of school-houses.

(3.) *Township, Village, Town or City Councils to pay Non-Resident Rates.*

155. If the collector appointed by the trustees of any public school be unable to collect that portion of any school rate which has been charged on any parcel of land liable to assessment, by reason of there being no person resident thereon, or no goods and chattels to distrain, the trustees shall make a return to the clerk of the municipality, before the end of the then current year, of all such parcels of land, and the uncollected rates thereon;

Rates on lands of non-residents to be returned to the clerk of the municipality.

(a) The clerk of such municipality shall make a return to the county, city, town or village treasurer of all such lands and the arrears of school rates thereon;

(b) Such arrears shall be collected and accounted for by such treasurer in the same manner as the arrears of other taxes;

(c) The township, village, town, or city council in which such public school is situate, shall make up the deficiency arising from uncollected rates on land liable to assessment, out of the general funds of the municipality. 22 V., c. 64, s. 127.

4. RIGHT OF CHILDREN TO ATTEND SCHOOL.

156. Every child, from the age of seven to twelve years inclusive, shall have the right to attend some school, or be otherwise educated, for four months in every year; and any parent or guardian who does not provide that every child between the ages aforesaid under his care shall attend some school, or be otherwise educated, as thus of right declared, shall be subject to the penalties hereinafter provided by this Act;

Right of children to be educated—Compulsory attendance.

(x) Nothing herein shall be held to require any Roman Catholic to attend a public school, or to require a Protestant to attend a Roman Catholic school. 34 V., c. 33, s. 3.

157. It shall be the duty of the trustees of every public school:

(1) To ascertain before the thirty-first day of December in every year, through the assessor, collector, or some other person to be appointed for that purpose, and paid by them, the names, ages and residences of all the children of school age in their school section, division or municipality, as the case may be—distinguishing those children between the ages of seven and twelve years inclusive—who have not attended any school, (or

Trustees to ascertain names of absentee children.

who have not been otherwise educated) for four months of the year, as required by the next preceding section of this Act;

Notify parents (2) To notify personally, or by letter or otherwise, the parents or guardians of such children of the neglect or violation on their part of the provisions of said preceding section. 37 V., 5 s. 42.

Impose a rate-
bill or make
complaint to
magistrate.

158. In case, after having been so notified, the parents or guardians of such children continue to neglect or violate the provisions of the said section of the this Act, it shall be the duty of the trustees to impose a rate-bill on such parents or 10 guardians not exceeding one dollar per month for each of their children not attending school, or to make complaint of such neglect or violation to a magistrate having jurisdiction in such cases, as provided by the next succeeding section of this Act, and to deliver to said Magistrate a statement of the names and 15 residences of the parents or guardians of such children. 37 V., s. 43.

PART XIV.—VARIOUS PENAL CLAUSES.

1. COMPULSORY EDUCATION OF CHILDREN.
2. PROVISIONS RELATING TO MUNICIPALITIES.

- (1.) *Personal Responsibility of Councillors or Trustees in Investing Moneys.*
- (2.) *Municipal Responsibility to Her Majesty.*
- (3.) *Treasurer and Sureties Responsible to the Municipality.*
- (4.) *Bond of Treasurer and Sureties to apply to School Moneys.*
- (5.) *Parties Aggrieved may Recover from Municipality.*
- (6.) *Township Clerk to provide School Map of Township.*
- (7.) *Trustees Not Liable for Acting under Municipal By-Laws.*

3. PROVISIONS AFFECTING PUBLIC SCHOOL TRUSTEES AND OFFICERS.

- (1.) *Personal Responsibility of Trustees for Moneys Lost to the Section.*
- (2.) *Trustees to Exact Security from Secretary-Treasurer, etc.*
- (3.) *Remedy in case of Embezzlement and Loss.*
- (4.) *Secretary-Treasurer and Trustees to Account for Moneys, etc.*
- (5.) *Person Chosen as Trustee Refusing to Serve.*
- (6.) *Trustees Refusal to Exercise Corporate Powers.*
- (7.) *Refusal to Account to Rural School Auditors.*
- (8.) *Neglect to Send Half-Yearly Returns to Inspector.*
- (9.) *Neglect to Send Annual Report to Inspector.*
- (10.) *Penalty for False Report and Registers.*
- (11.) *How to Deal with Refractory Pupils.*

4. PUBLIC SCHOOL MEETINGS, THEIR OFFICERS AND ELECTORS.

- (1.) *Separate School Supporters Not to Vote at Public School Meetings.*
- (2.) *False Declaration of Right to Vote at School Meetings.*
- (3.) *Returning Officer at School Trustee Elections.*

- (4.) *Chairman to Send Report of School Meetings to Inspector.*
- (5.) *Failure of Trustee-Elect to make Declaration of Office.*
- (6.) *Neglect to give Notice of School Meetings.*
- (7.) *Disturbing a Public School or School Meeting.*

5. HOW FINES AND PENALTIES MAY BE RECOVERED.

1. COMPULSORY EDUCATION OF CHILDREN.

159. It shall be competent for the police magistrate of any city or town, and for any magistrate in any village, township or town where there is no police magistrate, to investigate and decide upon any complaint made by the trustees, or any person authorized by them, against any parent or guardian for the violation of the next preceding sections of this Act, and to impose a fine not exceeding five dollars for the first wilful offence, and double that penalty for every subsequent offence; which fine and penalty shall be enforced as provided in the one hundred and seventy-seventh section of this Act;

Penalty for non-attendance at some school.

(a) The police magistrate or justice shall not be bound to, but may, in his discretion, forego to issue the warrant for the imprisonment of the offender, as in said section is provided. 34 V., c. 33, s. 4.

160. It shall be the duty of the police magistrate, or any magistrate, where there is no police magistrate, to ascertain, as far as may be, the circumstances of any party complained of for not sending his child or children to some school, or otherwise educating him or them, and whether the alleged violation has been wilful, or has been caused by extreme poverty, or ill health, or too great a distance from any school; and in any of the latter cases, the magistrate shall not award punishment, but shall report the circumstances to the trustees of the rural school section or division in which the offence has occurred.

Further discretion of Magistrate to enforce penalty.

34 V., c. 33, s. 4.

2. PROVISIONS RELATING TO MUNICIPALITIES.

(1.) *Personal Responsibility of Councillors or School Trustees in Investing Moneys.*

161. No member of any municipal corporation shall take part in, or in any way be a party to, the investment of any of the moneys which are mentioned in the one hundred and forty-third section of this Act, by or on behalf of the corporation of which he is a member, otherwise than as is authorized by that section, or by the eleventh section of the Act respecting clergy reserves, or by any other law in that behalf made and provided;

Liability of members of a corporation or school trustees investing money otherwise than authorized by this Act.

(a) Any such person so doing shall be held personally liable for any loss sustained by such corporation. 36 V., c. 48, s. 272.

(2.) *Municipal Responsibility to Her Majesty.*

162. Every county, city, and town withdrawn from the jurisdiction of the county within which it is situated, shall be responsible to Her Majesty, and to all other parties interested,

Municipality responsible on default of chamberlain, etc.

that all moneys coming into the hands of the treasurer of the county, city or town, in virtue of his office, shall be by him duly paid over and accounted for, according to law. 29-30 V., c. 53, s. 198.

(3.) *Treasurer, and Sureties responsible to the Municipality.*

Treasurer, etc.,
responsible to
county, etc.
Bonds to
apply.

163. The treasurer and his sureties, shall be responsible and 5
accountable for such moneys in like manner to the county, city
or town, and any bond or security given by them for the duly
accounting for and paying over moneys coming into his hands,
belonging to the county, city or town, shall be taken to apply 10
to all such moneys as are mentioned in the one hundred and
thirtieth and following sections of this Act, and may be enforced
against the treasurer or his sureties, in case of default on his
part. 22 V., c. 63, ss. 56 and 60; 29-30 V., c. 53, s. 199.

(4.) *Bond of Treasurer and sureties to apply to School Moneys.*

Bonds to ap-
ply to school
moneys, etc.

164. The bond of the treasurer and his sureties shall apply 15
to school moneys, and all public moneys of the Province, and, in
case of any default, Her Majesty may enforce the responsibility
of the county, city or town, either by stopping a like amount out
of any public moneys payable to the county, city or town, or to
the treasurer thereof, or by suit or action against the corpora- 20
tion. 22 V., c. 63, s. 124; 29-30 V., c. 53, s. 200.

(5.) *Parties Aggrieved may recover from Municipality.*

City, etc., re-
sponsible for
default of
chamberlain,
etc.

165. Any person aggrieved by the default of the municipal
treasurer may recover from the corporation of any city, county,
or town, the amount due or payable to such person as money
had and received to his use. 29-30 V., c. 53, s. 201.

(6.) *Township Clerk to provide School Map of Township.*

School map
penalty on
township clerk.

166. Should any township clerk neglect or refuse to prepare 25
and furnish the map of the school sections or other divisions of
his municipality, as required by the fifty-second section of this
Act, he shall be liable to a penalty not exceeding ten dollars,
to be recovered before a magistrate, for the school purposes of
his municipality, at the instance of any ratepayer thereof. 34 30
V., c. 33, s. 19.

(7.) *Trustees not Liable for Acting under Municipal By-Laws.*

Trustees
acting under
by-laws not
liable.

167. Trustees shall not be liable to any prosecution, or the
payment of any damages, for acting under any by-law of a
municipal council before it has been quashed;

(a) In case a by-law, order, or resolution of a municipal coun- 35
cil be illegal, in whole or in part, and in case anything has been
done under it, which, by reason of the illegality, gives any
person a right of action, no such action shall be brought until
one month has elapsed after the by-law, order or resolution has
been quashed or repealed, nor until one month's notice in wri- 40
ting of the intention to bring such action has been given to the
corporation;

(b) Every such action shall be brought against the municipal
corporation alone, and not against any person acting under the

by-law, order, or resolution. 23 V., c. 49, s. 20. 36 V., c. 48, s. 246.

3. PROVISIONS AFFECTING PUBLIC SCHOOL TRUSTEES AND OFFICERS.

(1.) *Personal Responsibility of Trustees for Moneys Lost to the Section.*

168. The trustees of every school section shall be personally responsible for the amount of any school moneys forfeited by or lost to the school section in consequence of the neglect of duty of the trustees during their continuance in office ;

Trustees personally responsible for moneys lost.

(a) The amount thus forfeited or lost shall be collected and applied in the manner provided for by this Act. 22 V., c. 64, s. 31.

(2.) *Trustee to exact Security from Secretary-Treasurer, etc.*

169. All moneys collected in any school section by the trustee corporation shall be paid into the hands of the secretary-treasurer thereof ;

Trustees to exact security for school moneys, &c.

(a) It shall be the duty of school trustees to exact security from every person to whom they entrust school moneys, or other school property, and to deposit said security with the township council for safe keeping ;

(b) Should the trustees refuse or neglect to take proper security from the secretary-treasurer, or other party to whom they entrust school moneys, they shall be held personally responsible for the moneys, as provided by this Act. 22 V., c. 64, s. 31 : 34 V., c. 33, ss. 23 and 46.

(3.) *Remedy in case of Embezzlement and Loss.*

170. If any part of the public school fund or moneys be embezzled or lost, through the dishonesty or faithlessness of any trustee, secretary-treasurer, or other person to whom it has been entrusted, and proper security against the loss has not been taken, the person or persons whose duty it was to have exacted the security shall be personally responsible for the sums so embezzled or lost ;

Certain parties personally responsible in case of lost school moneys.

(a) And such sums may be recovered from him or them by the party entitled to receive the same, by action at law in any court having jurisdiction to the amount, or by information at the suit of the Crown. 22 V., c. 64, s. 137 : 34 V., c. 33, s. 46..

(4.) *Secretary-Treasurer and Trustees to account for Moneys, etc.*

171. If any secretary-treasurer appointed by the school trustees of any school section or division or any person having been such secretary-treasurer, or any trustee or other person who may have in his possession any books, papers, chattels, or moneys, which came into his possession as such secretary-treasurer, trustee or otherwise, and wrongfully withholds or neglects, or refuses to deliver up, or to account for, and pay over the same or any part thereof to the person, and in the manner directed by a majority of the school trustees for the school section then in office, or by other competent authority, such withholding,

Penalty on secretary-treasurer or trustee for refusing to account.

neglect or refusal to deliver up, or account for, shall be a misdemeanor, punishable, as provided in the three following sections of this Act. 22 V., c. 64, s. 130: 34 V., c. 33, ss. 23 and 46.

Mode of proceeding in the case.

172. Upon application to the judge of the county court, by a majority of the trustees, or any two ratepayers in a school section or division, supported by their affidavit made before some justice of the peace, of such wrongful withholding or refusal, the judge shall make an order that such secretary-treasurer, or person having been such secretary-treasurer, or trustee, or other person, do appear before him at a time and place to be appointed in the order; 5 10

(a) Any bailiff of a division court, upon being required by judge, shall serve the order personally on the party complained against, or leave the same with a grown-up person at his residence. 22 V., c. 64, ss. 131, 132: 34 V., c. 33, s. 46. 15

Judge to issue order.

173. At the time and place so appointed, the judge being satisfied that service has been made, shall, in a summary manner, and whether the party complained of does or does not appear, hear the complaint, and if he is of opinion that the complaint is well founded, the judge shall order the party complained of to deliver up, account for, and pay over the books, papers, chattels, or moneys as aforesaid by a certain day to be named by the judge in the order; together with such reasonable costs incurred in making the application as the judge may tax. 22 V., c. 64, s. 133: 34 V., c. 33, s. 46. 20 25

Effect of non-compliance with Judge's order.

174. In the event of a non-compliance with the terms specified in such order, or any or either of them, the judge shall order the said party to be forthwith arrested by the sheriff of any county in which he may be found, and to be committed to the common gaol of his county, there to remain without bail until the judge be satisfied that the party has delivered up, accounted for, or paid over the books, papers, chattels, or moneys in question, in the manner directed by the majority of the trustees, or other competent authority, as aforesaid: upon proof of his having so done, the judge shall make an order for his discharge, and he shall be discharged accordingly. 22 V., c. 64, ss. 134 and 135: 34 V., c. 33, s. 46. 30 35

Other remedy not affected.

175. No such proceeding shall impair or affect any other remedy which the said trustees, or other competent authority, may have against the secretary-treasurer, or person having been such secretary-treasurer or his sureties, or against any trustee or other person as aforesaid. 22 V., c. 64, s. 136: 34 V., c. 33, s. 46. 40

(5.) *Person chosen as Trustee Refusing to serve.*

Penalty for refusing to serve as Trustee.

176. If any person chosen as trustee refuses to serve, he shall forfeit the sum of five dollars; 45

(a) Every person so chosen who has not refused to accept the office, and who at any time refuses or neglects to perform its duties, shall forfeit the sum of twenty dollars, to be sued for and recovered before a Justice of the Peace, by the trustees of the school section or division, or by any two ratepayers, for its use, as authorized by this Act. 22 V., c. 64, s. 23: 34 V., s. 33, s. 30, No. 1. 50

(6.) *Trustees' Refusal to Exercise Corporate Powers.*

177. Should the trustees of any public school wilfully neglect or refuse to exercise all the corporate powers vested in them by this Act for the fulfilment of any contract or agreement made by them, any trustee or trustees so neglecting or refusing to exercise such powers shall be held to be personally responsible for the fulfilment of such contract or agreement. 22 V., c. 64, s. 27, No. 20.

Penalty for refusing to exercise corporate powers.

(7.) *Refusal to Report to Account to School Auditors.*

178. If the trustees, or their secretary—treasurer in their behalf, refuse to furnish the auditors of any accounts of a rural school section, or either of them, with any papers or information in their power, and which may be required of them, relative to their school accounts, the party so refusing shall be guilty of a misdemeanor, and upon prosecution by either of the auditors, or any rate-payer, shall be punished by fine or imprisonment, as provided by this Act;

(a) The auditors, or either of them, may enforce the collection of any moneys by them awarded to be paid, in the manner prescribed by the section of this Act. 22 V., c. 64, s. 86: 23 V., c. 49, s.

Penalty on Trustees Refusing Information, &c., to Auditor.

(8.) *Neglect to send Half-Yearly Returns to Inspector.*

179. In case the trustees of any rural school section shall neglect to transmit to the county inspector, on or before the thirtieth day of June, and the thirty-first day of December in every year, a correct and verified statement of the average attendance of pupils in each of the schools under their charge during the six months then immediately preceding, then the school section shall not be entitled to the apportionment from the school fund for the said six months;

(a) The trustees so neglecting shall be personally responsible for amount of the loss of such apportionment. 22 V., c. 64, s. 27, No. 22, and s. 31.

Penalty for Neglecting to send half-yearly returns.

(9.) *Neglect to send Annual Report to Inspector.*

180. In case the trustees of any school section neglect to prepare and forward the aforesaid annual report to their County Inspector by the thirty-first day of January in every year, each of them shall, for every week after such thirty-first day of January, and until such report has been prepared and presented, forfeit the sum of five dollars, to be sued for by the County Inspector, and collected and applied in the manner provided for by this Act. 22 V., c. 64, s. 28.

Penalty for Delaying Yearly Report

(10.) *Penalty for False Report and Registers.*

181. If any trustee of a public school knowingly signs a false report, or if any teacher of a public school keeps a false school register, or makes a false return, with the view of obtaining a larger sum than the just proportion of school moneys coming to such school, the trustee or teacher shall, for every offence, forfeit to the public school fund of the township, the sum of twenty dollars, for which any person whatever may prosecute him be-

Penalty for false school reports and registers.

fore a justice of the peace, and the trustee or teacher may be convicted on the oath of one credible witness other than the prosecutor ;

(a) If, upon conviction, the penalty is not forthwith paid, the same shall, under the warrant of the justice, be levied with costs by distress and sale of the goods and chattels of the offender ;

(b) The penalty, when so paid or collected, shall by the justice be paid over to the said public school fund ; or the said offender may be prosecuted and punished for the misdemeanor ;

(c) Any teacher who refuses to deliver up the school house key or register shall be punished, as provided in the sixth clause of the eighty-seventh section of this Act. 22 V., c. 64, s. 138 : 23 V., c. 49, s. 1.

(11.) *How to deal with Refractory Pupils.*

Refractory pupils.

182. Any pupil who shall be adjudged so refractory by the trustees (or by a majority of them) and the teacher, that his presence in school is deemed injurious to the other pupils, may be dismissed from such school, and, where practicable, removed to an industrial school. 34 V., c. 33, s. 3.

PUBLIC SCHOOL MEETINGS, THEIR OFFICERS AND ELECTORS

(1.) *Separate School Supporters not entitled to Vote.*

Separate school supporters not to vote.

183. No person subscribing towards the support of a separate school established under any Act respecting separate schools, and belonging to the religious persuasion thereof, and sending a child or children thereto, shall be allowed to vote at the election of any trustee for a public school in the city, town, village or township in which the separate school is established. 22 V., c. 64, s. 19.

(2.) *False Declaration of Right to Vote at School Meetings.*

Penalty for making a false declaration.

184. If any person wilfully makes a false declaration of his right to vote at any school meeting or election of school trustees, he shall be guilty of a misdemeanor, and upon conviction, upon the complaint of any person, shall be punishable by fine or imprisonment, at the discretion of the court of Quarter Sessions, or by a penalty of not less than five dollars, or more than ten dollars, to be sued for and recovered with costs before a Justice of the Peace, by the public school trustees of the city, town, village, school section, or other division, for its use. 22 V., c. 64, ss. 18 and 71, : 23 V., c. 49, s. 3.

(3.) *Returning Officer at School Trustee Elections.*

Penalty on returning officer for wrong doing.

185. If the returning officer at any election of a public school trustee in a city, town or incorporated village, be convicted before the County Judge, of disregarding the requirements of the law, or acting partially in the execution of his office, he shall be fined a sum of not less than twenty dollars, or more than one hundred dollars at the discretion of the County Judge. 22 V., c. 64., s. 73.

(4.) *Chairman to send Report of School Meetings to Inspector.*

186. Any chairman who neglects to transmit to the county inspector a copy of the proceedings of an annual or other rural school section meeting over which he may preside, within ten days after the holding of such meeting, shall be liable, on the complaint of any ratepayer, to a fine of not more than five dollars, to be recovered as provided by this Act. 23 V., c. 49, s. 19.

Penalty on
Chairman for
Neglect.

10 (5.) *Failure of Trustee-Elect to make Declaration of Office.*

187. If any person elected as trustee of a rural school section shall not make the declaration of office within two weeks after notice of his election, his neglect to do so shall be sufficient evidence of his refusing to serve, and of his liability to pay the fine of five dollars, as provided for in the one hundred and section of this Act. 23 V., c. 49, s. 18: 34 V., c. 33, s. 24.

Fine for de-
fiant or in case
of neglect to
make declara-
tion.

(6.) *Neglect to give Notice of School Meetings.*

188. In case any annual or other rural school meeting has not been held for want of the proper notice, every trustee or other person whose duty it was to give the notice, shall forfeit the sum of five dollars, to be sued for and recovered before a Justice of the Peace, by any resident inhabitant in the rural school section, for the use thereof, as provided by this Act. 22 V., c. 64, s. 21.

Penalty for not
calling certain
school meet-
ings.

(7.) *Disturbing a Public School or School Meeting.*

189. Any person who wilfully disturbs, interrupts, or disquiets the proceedings of any school meeting authorized to be held by this Act, or any one who wilfully interrupts or disquiets any public school established and conducted under its authority, or other school, by rude or indecent behaviour, or by making a noise either within the place where such school is kept or held, or so near thereto as to disturb the order or exercises of the school, shall, for each offence, on conviction thereof before a justice of the peace, on the oath of one credible witness, forfeit and pay for public school purposes to the school section, city, town, or village within which the offence was committed, a sum not exceeding twenty dollars, together with the costs of the conviction, as the said justice may think fit; or the offender may be indicted and punished for any of the offences hereinbefore mentioned as a misdemeanor. 22 V., c. 64, s. 139.

Penalty for
disturbing a
school or
school meet-
ing.

(5.) *HOW FINES AND PENALTIES MAY BE RECOVERED.*

190. Unless it is in this Act otherwise provided, all fines, penalties, and forfeitures recoverable by summary proceeding, may be sued for, recovered, and enforced, with costs, by and before any justice of the peace having jurisdiction within the school section, city, town or village in which such fine or penalty has been incurred;

How penalties
under this Act
shall be re-
coverable.

(a) If the fine or penalty and costs be not forthwith paid, the same shall, by and under the warrant of the convicting justice, be enforced, levied, and collected, with costs, by distress and sale of the goods and chattels of the offender, and shall be by

the justice paid over to the school treasurer of the school section, city, town or village, or other party entitled thereto ;

(b) In default of such distress, the justice shall, by his warrant, cause the offender to be imprisoned for any time not exceeding thirty days, unless the fine and costs, and the reasonable expenses of endeavouring to collect the same, be sooner paid. 22 V., c. 64, s. 140.

PART XIV.—REPEALING, CONFIRMING AND INTERPRETATION CLAUSES.

1. REPEAL OF ACTS OF 1859, 1869 AND 1871, AND ITS EFFECTS.
2. CONSOLIDATED SCHOOL ACT NOT A NEW LAW.—HOW TO BE CONSTRUED.
3. REFERENCE TO OTHER ACTS, AND INTERPRETATION.

1. REPEAL OF ACTS OF 1859, 1869 AND 1871.—EFFECT.

Repeal of the Acts of 1859, 1869 and 1871.

191. From and after the passing of this Act, the several Acts passed in the twenty-second year of Her Majesty's reign, chaptered sixty-four, in the twenty-third year of Her Majesty's reign, chaptered forty-nine, and in the thirty-fourth year of Her Majesty's reign, chaptered thirty-three, in so far as they relate to Public Schools, shall be and are hereby repealed.

Saving as to transactions anterior to the repeal.

(1) The repeal of the said Acts and parts of Acts shall not revive any Act or provision of law repealed by them ; nor shall the said repeal prevent the effect of any saving clause in the said Acts and parts of Acts, or the application of any of the said Acts or of any Act or provision of laws formerly in force, — to any transaction, matter or thing anterior to the said repeal, to which they would otherwise apply.

Certain matters anterior to the repeal not affected by it.

(2) The repeal of the said Acts or parts of Acts shall not disturb, invalidate, or prejudicially affect any penalty or liability incurred before the time of such repeal, or any proceedings had for enforcing the same, nor any action, suit, judgment, execution, process, order, rule, or any proceeding whatever had respecting the same ; nor any office, appointment, salary, allowance, security, duty, or any matter or thing appertaining thereto at the time of such repeal ; but every such penalty, liability, action, suit, judgment, execution, process, order, rule, office, appointment, salary, allowance, security, duty, and every other such matter or thing respectively may and shall, both at law and equity, remain and continue as if no such repeal had taken place.

But remain as before.

How construed if in any case it differ from the repealed Acts.

(3) But if upon any point the provisions of the said Consolidated Act are not in effect the same as those of the repealed Acts and parts of Acts for which they are substituted, then as respects all transactions, matters and things subsequent to the time when the said Consolidated Act take effect, the provisions contained in it shall prevail, but as respects all transactions, matters and things anterior to the said time, the provisions of the said repealed Acts and parts of Acts shall prevail.

As to reference to repealed Acts in former Acts.

(4) Any reference in any former Act remaining in force, or in any instrument or document, to any Act or enactment so repealed, shall, after this Consolidated Act takes effect, be held, as regards any subsequent transaction, matter or thing, to be a

reference to the enactments in this Consolidated Act having the same effect as such repealed Acts or enactment.

3. REFERENCE TO OTHER ACTS AND INTERPRETATION.

192. Wherever reference is made in this Act to the Municipal Institutions or Assessment Acts, it shall be held to be in force at the time of performing any duty under their authority. 34 V., c. 33, s. 31. Meaning of reference to Municipal and Assessment Acts.

193. The word "teacher" shall include female as well as male teachers; the word "county" shall include unions of counties, and the word "townships" shall include unions of townships made for municipal purposes. 22 V., c. 64, s. 141. Interpretation clause

SCHEDULE A.

BEING FORM OF TOWNSHIP DEBENTURE.

(Referred to in Section of this Act.)

PROVINCE OF ONTARIO.

§ *Debenture of the Township of , County of No.*
for School Loan.

The Corporation of the Township of , hereby promise to pay to Bearer, at the Bank of , at , the sum of dollars, lawful money of Canada, year from the date hereof; and to pay interest at the rate of per cent. per annum half-yearly to the Bearer of the annexed coupons respectively, upon the presentation thereof at the said Bank.

Issued at , this day of , 18 , by virtue and under the authority of Section , of an Act of the Legislative Assembly of the Province of Ontario, passed in the thirty-seventh year of Her Majesty's reign, and chaptered , and pursuant to By-law, No. of said Township of passed on the day of A.D. 18 , entitled "A By-law to raise by way of loan the sum of dollars for the purposes therein mentioned," (or as the case may be.)

A. B., Reeve.

C. D., Treasurer.

COUPON, No.

The Corporation of the Township of will pay the Bearer at the Bank of at , on the day of , the sum of dollars, interest due on that day on Debenture No. C. D., Treasurer.

3rd Session, 2nd Parliament, 37 Vict., 1874.

BILL.

An Act to amend and consolidate the Public School Law.

1st Reading, 11th March, 1874.

Hon. Attorney-General Mowat

TORONTO :

PRINTED BY HUNTER, ROSE & CO.

An Act to amend and consolidate the Law relating to the Council of Public Instruction, the Normal Schools, Collegiate Institutes and High Schools.

CONTENTS OF THIS ACT.

PART I.—CONSTITUTION AND DUTIES OF THE COUNCIL OF PUBLIC INSTRUCTION.

PART II.—APPOINTMENT AND DUTIES OF THE CHIEF SUPER-INTENDENT.

PART III.—HIGH SCHOOLS AND THEIR DISTRICTS.

PART IV.—MUNICIPAL COUNCILS AND THEIR DUTIES.

PART V.—HIGH SCHOOL TRUSTEES AND THEIR DUTIES.

PART VI.—HIGH SCHOOL GRANTS AND OTHER MONEYS.

PART VII.—HIGH SCHOOL MASTERS AND TEACHERS.

PART VIII.—HIGH SCHOOL SITES AND OTHER PROPERTY.

PART IX.—MISCELLANEOUS PROVISIONS.

PART X.—REPEALING AND CONFIRMING CLAUSES.

HER Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

- 5 1. THE COUNCIL OF PUBLIC INSTRUCTION—WHO ARE MEMBERS OF THE COUNCIL.
2. APPOINTED MEMBERS OF THE COUNCIL.
3. ELECTED MEMBERS OF THE COUNCIL.
- 10 4. ELECTION LISTS—DUTY OF INSPECTORS AND HIGH SCHOOL BOARDS.
5. ELECTION OF MEMBERS, AND CERTIFICATE OF ELECTION.
6. THE COUNCIL AND ITS PROCEEDINGS.
7. MEMBERS' TRAVELLING EXPENSES TO BE PAID—CONTINGENT EXPENSES.
- 15 8. POWERS AND DUTIES OF THE COUNCIL :
 - A. *In regard to High School and Collegiate Institutes—Council Elections.*
 - B. *Management of the Normal School.*
 - 20 C. *School Regulations—Qualifications of Inspectors and Examiners—Teachers' Examinations and Certificates.*
 - D. *Text, Prize and Library Books—Superannuated Teachers—Annual Report.*
9. DISCRETIONARY POWERS OF THE COUNCIL.

PART I.—CONSTITUTION AND DUTIES OF THE COUNCIL OF PUBLIC INSTRUCTION.

- 25 1. The Council of Public Instruction shall consist of the following members :—

- Chief Superintendent. (1.) The Chief Superintendent of Education, *ex officio*, (or, in his absence, the Deputy Superintendent.)
- Appointed members, (2.) Eight members appointed by the Lieutenant-Governor ;
- One by each college. (3.) One member elected by the Council of University College, and one by each of the other Colleges possessing university powers; 5
- Three other elected members. (4.) One member elected by each of the three following classes, viz. :—
- By Inspectors, High, Public, and Separate School Teachers. (a.) The legally qualified masters and teachers of High Schools and Collegiate Institutes ; 10
- (b.) The Inspectors of Public Schools ; and
- (c.) The legally qualified teachers of Public and Separate Schools. 22 V. c. 64, s. 114 ; 37 V. s. 1-18.
- Restriction. (5.) No person shall be eligible to be elected under this Section, or to continue a member of said Council, who, at the time of 15 such election, or during the period for which he is elected a member of said Council, is actually employed as an Inspector, a Master, or Teacher, under the Public, Separate or High School Acts. 37 V., s. 1.
- (6.) The persons elected at any such election shall hold office until the elections for the following year or years have taken place. 37 V., s. 2.

2. APPOINTED MEMBERS OF THE COUNCIL.

- Present members to retire in one and two years. 2. Four of the present members of the Council (not including the Chief Superintendent of Education,) to be determined by lot 20 at the first meeting of the Council held next after the passing of this Act, shall retire from office at the end of one year from the third Tuesday in August, one thousand eight hundred and seventy-four, and four of the remaining appointed members shall hold office for two years from the third Tuesday in 25 August, one thousand eight hundred and seventy-four, unless the appointment be determined at an earlier date by revocation thereof, resignation, or otherwise. 37 V., s. 15.
- Whom the Lieutenant-Governor may appoint. 3. The Lieutenant-Governor may appoint the said eight 30 members of the Council, as vacancies occur.
- New members appointed to hold office two years. 4. Every person appointed to the said Council by the Lieutenant-Governor, shall hold office for two years from the date of his appointment (and until his successor be appointed,) unless such appointment is determined at an earlier date by 35 revocation thereof, death, resignation, or otherwise. Should a vacancy in the Council arise in the case of any appointed member before his term expires, the Lieutenant-Governor may appoint a person to fill the vacancy for the unexpired term of the person in whose place he is appointed. 37 V., s. 16.
- Vacancies.
- May be re-appointed. 5. Nothing herein contained shall prevent the re-appoint- 40 ment of any member before or after the expiration of his term of office. 37 V., s. 17.

3. ELECTED MEMBERS OF THE COUNCIL.

- Members elected by Colleges. 6. The persons elected to the Council of Public Instruction by the Colleges shall be elected on or before the third Tuesday 45 in August of the year one thousand eight hundred and seventy-four, and of every subsequent second year thereafter ;

(2) Every election under this Section shall be certified to the Chief Superintendent of Education, and the election shall go into effect on the third Tuesday in August in the year of election; When election takes effect.

5 (3) The persons so elected shall be members of the Council for all purposes of High Schools and Collegiate Institutes, the selection and approval of library and prize books, and for every other purpose not relating exclusively to Public Schools. Restriction as to college members.

10 (4) The persons elected at any such election, shall hold office until the elections for the following year or years have been held and have taken effect. 37 V., ss. 2 and 18. Term.

(5) A person elected to fill a vacancy shall hold office for the term of the person in whose place he is elected. 37 V. s. 6. Vacancy.

15 7. The persons first elected by the Public School Inspectors and by the Masters and Teachers of the High Schools and Collegiate Institutes, shall continue in office for one year, to be reckoned from the time of their election respectively. 37 V., s. 4. Members elected by inspectors and high school masters.

20 8. The person first elected by the Teachers of the Public and Separate schools shall continue in office for two years, to be reckoned from the time of his election. 37 V., s. 5. By public and separate school masters.

9. Every person subsequently elected as a member of the Council (except to fill a vacancy), shall hold office for two years, to be reckoned from the time of his election, and until his successor is elected; Subsequent elections.

25 (a) The person elected to fill a vacancy shall hold office for the term of the person in whose place he is elected. 37V., s. 6. Term.

30 10. In case of a vacancy occurring six months or more before the time for holding the next periodical election applicable to the case, the Chief Superintendent shall forthwith appoint a time for holding an election to fill the vacancy, and shall give one month's notice thereof in such manner as the Council of Public Instruction shall direct. 37 V., s. 3. Vacancies.

4. ELECTION LISTS.—DUTY OF INSPECTORS AND HIGH SCHOOL BOARDS.

35 11. For the purpose of the said elections, it shall be the duty of every Inspector of Public Schools, not later than the fifteenth day of June of the years one thousand eight hundred and seventy-four, and one thousand eight hundred and seventy-six, and not later than the fifteenth day of June of every subsequent second year thereafter, to prepare and exhibit publicly in his office, an alphabetical list of the names and post-office addresses of all legally qualified teachers in the Public and Separate schools within his municipality or jurisdiction. 37 V., s. 7. Inspector to prepare election lists.

12. This list may be examined by any teacher of a Public or Separate School at all reasonable times for one month from such fifteenth day of June. 37 V., s. 8. Open to inspection.

45 13. In case any interested party complains to the said Inspector, in writing, of the improper omission or insertion of any name in the said list, it shall be the duty of the Inspector forthwith to examine into the complaint, and rectify the error, if any there be. 37 V., s. 9. Errors.

Transmit list
to Chief
Superintendent

14. The Inspector shall, for the purposes of this Act, transmit to the Chief Superintendent of Education, not later than the fifteenth day of July in each of the aforesaid years, a duly certified copy of such corrected alphabetical list of legally qualified Teachers (in a form to be provided for that purpose); and all the persons named in the list shall be deemed entitled to vote. 37 V., s. 10. 5

High school
board return.

15. Every High School or Collegiate Institute Board, (or Board of Education in case of union with a Public School Board), shall furnish in like manner to the Chief Superintendent, not later than the fifteenth day of July, in the years one thousand eight hundred and seventy-four and one thousand eight hundred and seventy-five, and not later than the fifteenth day of July in every subsequent second year thereafter, a return of the name and address of every legally qualified master of, and teacher in, a High School or Collegiate Institute at such time employed by the board. 37 V., s. 11. 10 15

In case of
non-receipt of
list or doubt.

16. In case of the non-receipt by the Chief Superintendent, or other officer of his Department, of any alphabetical list or return mentioned in the preceding sections, or in case of any doubt which may arise in regard to the right of any person whose name is attached to a voting paper to vote at an election, the Chief Superintendent, or other officer on his behalf, and the scrutineers appointed as herein provided, shall decide according to the best evidence within their reach as to the right to vote of any inspector, master or teacher who may by a voting paper claim to exercise that right. 25

Scrutineers
may decide.

Lists in case
of vacancies.

17. In case an election to fill a vacancy is required to be made by the masters and teachers of the Public and Separate or High Schools and Collegiate Institutes, a new alphabetical list of voters shall be furnished to the Chief Superintendent, by the Inspectors and High School or Collegiate Institute Boards, or Boards of Education, respectively, two weeks before the time fixed for such election; in case of its non-receipt at the time of the election, the list then last received by the Chief Superintendent shall be used. 37 V., s. 12. 30 35

5. ELECTION OF MEMBERS AND CERTIFICATE OF ELECTION.

18. Every election by Inspectors, Masters, or Teachers, held under this Act, shall be in the manner following, that is to say:—

Voting papers
to be sent to
Chief Superintendent.

(1) The votes shall be given by closed voting papers (in the form in schedule A of this Act) delivered to the Chief Superintendent of Education, or to the Deputy Superintendent, or other officer of the Education Department appointed for this purpose by the Chief Superintendent; 40

During pre-
ceding week.

(2) Any voting papers received by post or otherwise, by the said Chief Superintendent, or other officer appointed by him, during the said third Tuesday of August, or other appointed day, or during the preceding week, shall be deemed to be duly delivered to him; 45

Papers to be
opened by the
Chief Superintendent
in presence of
scrutineers.

(3) The voting papers shall, on the day succeeding the third Tuesday (or other appointed day, in case of election to fill a vacancy) be opened by the said Chief Superintendent, or other officer aforesaid, in the presence of two or more scrutineers, to 50

be appointed for that purpose by the Council of Public Instruction;

(4) The Chief Superintendent, or other officer, and the scrutineers shall scrutinize and count the votes, and keep a record thereof in a proper book to be provided for the purpose, which book shall be preserved in the office of the Chief Superintendent, and shall at all reasonable times be open to the inspection of every person desiring to see the same;

(5) Any person entitled to vote at the election, shall be entitled to be present at the opening of the voting papers;

(6) The person having the highest number of votes of the members of the body voting for him, shall be deemed to have been elected;

(7) In case of an equality of votes between two or more persons, the scrutineers shall forthwith put in a ballot-box papers with the names written thereon of the candidates having said equality of votes, one paper for each candidate; and the Chief Superintendent, or other officer acting for him as aforesaid, shall draw by chance from the ballot-box, in the presence of the scrutineers, one of such papers; and the person whose name is upon the paper so drawn, shall be deemed to have been elected. 37 V., s. 13.

19. At the close of the election, the Chief Superintendent or other officer on his behalf, and the other scrutineers, shall certify to the Chairman of the Council of Public Instruction under their hands and seals, the name of the person or persons who, having the majority of votes, shall be declared by them to be duly elected a member or members of the Council, and shall also send to each member elected a like notification of his election. 37 V., s. 14.

6.—THE COUNCIL AND ITS PROCEEDINGS.

20. The Council shall, in the exercise of its duties, be subject to all lawful orders and directions from time to time issued by the Lieutenant-Governor. 22 V., c. 64, s. 114.

21. At any lawful meeting of the Council of Public Instruction, three members shall form a quorum for the transaction of business, and in case of an equality of votes on any question, the chairman shall be entitled to a second or casting vote. 22 V., c. 64, s. 118.

22. In case of a division of opinion on any question at a meeting of the Council of Public Instruction, or of the Interim Committee, any member may call for the yeas and nays; and a record of the names of the members voting yea and nay respectively shall be entered by the Clerk of the Council in the minutes of proceedings. 37 V., s. 21.

23. The Senior Clerk in the Education Office shall be the Clerk to the said Council—he shall enter all its proceedings in a book kept for that purpose—and shall, as may be directed, keep all the accounts of the said Council. 22 V., c. 64, s. 117.

24. A report of the proceedings at every meeting of the Council shall be published in the next succeeding number of the *Journal of Education*; but this shall not apply to meetings of

Exception, Committees of the Council, except that a report of the proceedings of the Interim Committee shall be published from time to time in like manner as of the Council. 37 V., s. 23.

7.—MEMBERS' TRAVELLING EXPENSES TO BE PAID. CONTINGENT EXPENSES.

Provision for travelling expenses, **25.** The travelling expenses of any of the members of the Council residing outside of Toronto attending the regular meetings of the Council may be paid by the Lieutenant-Governor, out of any public funds which may be appropriated by the Legislature for that purpose. 37 V., s. 22. 5

Contingent expenses of council provided for, **26.** The expenses attending the proceedings of the Council shall be accounted for by the Chief Superintendent as part of the contingent expenses of the Education Department. 22 V., c. 64, s. 116.

POWERS AND DUTIES OF THE COUNCIL.

Duties of council, **27.** It shall be the duty of such Council, and it is hereby empowered :—

To appoint chairman, etc, (1.) To appoint a chairman, and determine the times of its meetings, and the mode of conducting its proceedings. 22 V., c. 64, s. 119, No. 1.

To prescribe text-books, etc, (2.) To prepare and prescribe, from time to time, subject to the approval of the Lieutenant-Governor, a list of text-books, programme of studies and general rules and regulations for the organization and government of High Schools and Collegiate Institutes. 22 V., c. 63, ss. 12 and 15 : 34 V., c. 33, s. 34. 20

To make rules and regulations—text-books, (3.) To make, from time to time, rules and regulations, subject to the approval of the Lieutenant-Governor in Council, for the distribution, within the restrictions imposed by this Act, of the High School Fund, among the several High Schools and Institutes entitled to receive it. 22 V., c. 63, ss. 9, 12 and 15 : 29 V., c. 23, s. 6 : 34 V., c. 33, s. 37. 25

High School Inspectors, (4.) To appoint Inspectors of High Schools, prescribe their duties, and fix their remuneration. 22 V., c. 63, ss. 11 and 15 : 30 34 V., c. 33, s. 39.

Admission of pupils to High Schools, (5.) To prescribe from time to time by regulations (to be approved of by the Lieutenant-Governor) the subjects, times, and extent of the examinations which it shall be necessary for pupils to undergo in order to obtain admission into the High Schools and Collegiate Institutes, and also to determine the standard to be attained by each pupil at such examinations. 34 V. c. 33, s. 38 ; 37 V., s. 27. 35

Papers for uniform examination, (6.) To require the Central Committee, from time to time, appointed by the Council for the examination of Public School teachers, to prepare, under the direction of the Council, questions for the uniform examination of pupils for admission to High Schools and Collegiate Institutes. 37 V., s. 27. 40

Regulations for Normal and Model Schools. Special certificates to monitors or assistants, (7.) To frame general regulations and instructions under which a High School Inspector may give a special certificate, to be valid for one year, to a senior pupil (or pupils) of a High School or Collegiate Institute, or other person or persons to act as monitor or assistant, or monitors or assistants in such High School or Collegiate Institute. 37 V., s. 63. 45

Scrutineers for (8.) To appoint two or more scrutineers to scrutinize the votes 50

given for members of the Council and received at the Education Department. 37 V., c. , s. 13, no. 3. election of members.

(9.) To direct the manner in which the notice issued by the Chief Superintendent for the time of holding an election of a Member of the Council to fill a vacancy, shall be given. 37 V., s. 3. Manner of giving notice for vacancy elections.

(10.) To designate, from time to time, subject to the approval of the Lieutenant-Governor, the number and locality of such meteorological stations as the Council may think desirable to establish in connection with the High Schools of the Province; to authorize such forms of reports and meteorological journal to be used by the observers at such stations as it may judge necessary. 22 V., c. 63, s. 26 : 29 V., c. 23, s. 11. Meteorological stations.

15 B. Management of the Normal Schools.

(11.) To adopt all needful measures for the efficiency of the Normal Schools and Model Schools connected therewith, with a view to the instruction and training of teachers of Public Schools in the science of education and the art of teaching. 22 V., c. 64, and s. 119, no. 2., 37 V. Efficiency of normal and model schools.

(12.) To make, from time to time, the rules and regulations necessary for the management and government of the Normal and Model Schools. 22 V., c. 64, s. 119, no. 3. Regulations

(13.) To prescribe the terms and conditions on which students and pupils will be respectively received and instructed in the Normal and Model Schools. *Ibid.* Terms and conditions.

(14.) To determine the number and compensation of teachers, and of all others, who may be employed in said Schools. *Ibid.* Number and pay of teachers.

(15.) To direct the clerk of the Normal School to procure, at the discretion of the Council, the books and stationery for the Normal and Model Schools. 22 V., c. 64, s. 117. Procure books and stationery

(16.) To do all lawful things which the Council may deem expedient to promote the objects and interests of these schools. 22 V., c. 64, s. 117 and 119, no. 3. Objects and interests.

(17.) To require at the close of the session of any Normal School in the Province, an examination to be held of the students thereof, and to provide for such examination through the said central committee. 37 V., s. 68. Examination of normal school students.

C. School Regulations. Qualifications of Inspectors and Examiners. Teachers' Examinations and Certificates.

(18.) To make regulations, from time to time, for the organization, government, and discipline of Public Schools, and for the classification of schools and teachers. 22 V., c. 64, s. 119, No. 4. To make regulations for Public Schools and teachers.

(19.) To provide, by the training of teachers, the programme of studies, and special regulations, for the teaching in the public schools of the elements, among other things, of natural history, agricultural chemistry, mechanics, and agriculture. 22 V., c. 64, s. 106, No. 13, and s. 119, Nos. 4 and 5 : 34 V., c. 33, s. 13. Provide for teaching of special branches.

(20.) To prescribe from time to time the qualifications of county, city, or town inspectors (and of members of county or city boards of examiners of Public School teachers). 34 V., c. 33, s. 7. Fix qualifications of Inspectors and examiners.

(21.) To determine the time and manner of examination of candidates for certificates of qualification as inspectors or examiners, and to grant to them on such examination certificates of qualification. 34 V., c. 33, s. 7. Grant Inspectors' and Examiners' certificate.

Examination of Public School teachers.

Certificates to students of any Normal School in British Dominions.

Give certificates.

(22) To prepare and prescribe from time to time, by a Central Committee of its appointment, or otherwise, a programme, examination papers and regulations for the uniform examination and classification of Public School teachers, and of any person who has been trained at any Normal School or other Training Institution for Teachers, or who has been duly certificated or licensed by any recognized body as a School teacher in any part of the British Dominions. 34 V., c. 33, s. 12. 37 V., s. 67. 5

(23) To award (upon the report of the Central Committee of examiners,) first-class certificates of qualification to public school teachers, under such regulations and programme as may be determined by said Council, and upon the report of such committee, to award second-class certificates to candidates for first-class certificates who come up to the standard for second class certificates, but who fail to come up to the required standard for first-class certificates. 34 V., c. 33, s. 12: 37 V., c.—s. 64. 10 15

D. Text, Prize and Library Books—Superannuated Teachers—Report.

To recommend text and library books.

(24) To examine, and at its discretion, recommend or disapprove of text-books for the use of schools, or books for school libraries and prizes. 22 V., c. 64, s. 119, No. 5. 37 V., s. 18.

(25) To make regulations in regard to school libraries., 22 V., c. 64, s. 119, No 4. 20

Council to examine books sent by booksellers or others.

(26) To examine, or cause to be examined from time to time, any books, the names of which have not heretofore appeared in the catalogues of the Education Department, and which may be forwarded (with a statement of their prices) to the Department by booksellers or other parties, who may have the same for sale. 25

Council to sanction Library and Prize books. Decision.

(27) To determine whether such books ought or ought not to receive the sanction of the Council for libraries or prizes in the Public and High Schools, and Collegiate Institutes. 30

(a.) The decision of the Council in respect thereof is, without delay, to be communicated to the said booksellers or other parties concerned.

Books returned

(b.) The books so forwarded are, on application, to be returned to the persons forwarding the same.

Lists to be published in the *Journal of Education*.

(c.) The names and prices of the books when sanctioned shall be published in the next number of the *Journal of Education*, with the dates respectively at which the books were received at the Education Department and laid before the Council for examination. 37 V., c. s. 69. No. 3. 35

To make regulations for granting pensions to superannuated teachers.

(28) To prescribe with the approbation of the Lieutenant-Governor in Council, regulations, within the restrictions imposed by this Act, for granting pensions to superannuated or worn out teachers of Public and High Schools and Collegiate Institutes. 22 V., c. 64, s. 119, No. 6; 37 V., s. 44. 40

Annual report to the Governor.

(29) And to transmit annually, through the Chief Superintendent of Education to the Governor, to be laid before the Legislative Assembly, a true account of the receipt and expenditure of all moneys granted for the establishment and support of the Normal Schools. 22 V., c. 64, s. 119, No. 7, s. 120, No. 1. 45

9. DISCRETIONARY POWERS OF THE COUNCIL.

28. It shall be competent for the Council, and it is hereby empowered:— 50

(1) To resolve itself at any sitting thereof into a committee of the whole for the transaction of business. Committees of Council.

(2) To appoint from time to time an Interim Committee of its own members, which, under regulations made by the Council, shall be authorized to exercise any of the functions of the Council itself during the intervals of its sessions. 37 V., s. 19. Interim Committee.

(3) To inquire into and report upon any matter connected with the administration of the school system, or with the interests of schools, which may be referred to the Council by the Lieutenant-Governor, or by the Chief Superintendent of Education. 37 V., s. 20. Council may inquire into school matters, and report.

(4) To require persons who may be hereafter employed as Head Masters of High Schools and Collegiate Institutes to furnish, from time to time, in addition to the qualifications already required by law for Head Masterships of High Schools and Collegiate Institutes, satisfactory evidence of their knowledge of the science and art of teaching, and of the management and discipline of schools; Additional qualifications of High School Masters.

(a) This clause shall not apply to any persons who have been employed as High School or Collegiate Institute Masters before the passing of this Act. 37 V., s. 24. Restrictions.

(5) To exempt, at the discretion of the Council, any High School or Collegiate Institute (the trustees of which shall not have sufficient funds to provide the necessary qualified teachers) from the obligation to have the German and French languages taught in such school or institute. 34 V., c. 33, s. 34. Exemptions.

(6) To give special permission, at the discretion of the Council, for the use in any Model or Public School of any foreign books in the English branches of education. 22 V., c. 64, s. 128. May permit the use of foreign books.

PART II—APPOINTMENT AND DUTIES OF THE CHIEF SUPERINTENDENT OF EDUCATION.

1. APPORTIONMENT TO HIGH SCHOOLS.—EXPENDITURE OF GRANT.

2. FORMS AND INSTRUCTIONS. — ESTABLISHMENT OF HIGH SCHOOLS.

3. LIBRARIES, MAPS, APPARATUS AND PRIZES.

4. SUPERVISION OF NORMAL SCHOOLS.—SCHOOL HOUSE PLANS.

5. MISCELLANEOUS GENERAL POWERS.

6. COUNCIL OF PUBLIC INSTRUCTION MATTERS.

7. REPORT.—METEOROLOGICAL INSTRUMENTS.

8. CERTAIN GRANTS AUTHORIZED.

APPOINTMENT OF A CHIEF SUPERINTENDENT OF EDUCATION.

29. The Lieutenant-Governor may, from time to time, by Letters Patent, under the Great Seal of the Province, appoint a fit and proper person to be Chief Superintendent of Education for Ontario, who shall hold office during pleasure. 22 V., c. 64, s. 103. Chief Superintendent to be appointed.

30. The Chief Superintendent shall be responsible to the Lieutenant-Governor and subject to his direction, communicated through any department of the Provincial Government. 22 V., c. 94, s. 104. His responsibility to the Governor.

DUTIES OF THE CHIEF SUPERINTENDENT OF EDUCATION.

31. It shall be the duty of the Chief Superintendent of Education :— Duties.

APPORTIONMENT TO HIGH SCHOOLS.—EXPENDITURE OF GRANT.

- Apportion grant. (1.) To apportion the High School Fund among the several High Schools and Collegiate Institutes, as provided by the fifty-first and fifty-third sections of this Act.
- Notify county clerk. (2.) To notify each County Council, through the Clerk of the Council, of the apportionment of High School Fund to such county, and to certify the same for payment to the provincial treasurer. 22 V., c. 63, s. 18. 5
- To administer the law. (3.) To see that the High School Fund apportioned by him is in all cases applied to the purposes hereinbefore prescribed. 22 V. C. 63, s. 19. 10
- (4.) To see that each High School and Collegiate Institute is conducted according to law and to the general rules and regulations authorized by this Act. 22 V., c. 63, ss. 5, 8, 9, 12, 15, and 19; 29 V., c. 23, ss. 6 and 7; 34 V. c. 33, s. 37.

FORMS AND INSTRUCTIONS.—ESTABLISHMENT OF HIGH SCHOOLS.

- To furnish Act, forms and regulations. (5.) To prepare suitable forms and give such instructions as he judges necessary and proper for making all reports and conducting all proceedings under this Act. 22 V. c. 63, s. 19. 15
- Acts, rules, and regulations to be printed. (6.) To cause the aforesaid forms, instructions, reports, copies of this Act, and of the general rules and regulations established and approved of as aforesaid, to be printed in a convenient form and transmitted to the parties required to execute the provisions of this Act. 22 V., c. 63, s. 19. 20
- Report to Lieutenant-Governor on establishment of High Schools, etc. (7.) To make such report or recommendation to the Lieutenant-Governor, as he may judge necessary or expedient in regard to the decision of a County Council as to the establishment or discontinuance of any High School in a county. 37 V., s. 29. 25

LIBRARIES, MAPS, APPARATUS AND PRIZES.

- Establishing school libraries. (8.) To employ all lawful means in his power to procure and promote the establishment of school libraries for general reading, in the several counties, townships, cities, towns, and villages. 22 V., c. 64, s. 106, No. 11, and s. 120, No. 2 (c 30 and d.)
- Apportioning library grant. (9.) To apportion the moneys provided by the Legislature for the establishment and support of High and Public School Libraries and prizes, and in providing High and Public Schools with maps and apparatus. 22 V., c. 64, s. 106; No. 4, s. 120; 35 No. 2; 37 V., s. 71.
- Condition. (a.) No aid shall be given towards the establishment or support of any school library, and in providing prizes, maps and apparatus, unless an equal amount be contributed and expended from local sources for the same object. 22 V. c. 64, s. 106, No. 4, 40 s. 120, No. 2 (C. and D.) 37 V., s. 71.
- Text Books. (10.) To use his best endeavours to provide for and recommend the use of uniform and approved text-books in the schools generally. 22 V., c. 64, s. 106, No. 10.

SUPERVISION OF NORMAL SCHOOLS.—SCHOOL HOUSE PLANS.

- To have the supervision of the Normal School. (11.) To take the general superintendence of the Normal Schools. 45
- (12.) To give, on the examination and report of the Central

Committee of Examiners, to any person trained in any Normal School or other training institution for teachers, or who has been duly certificated or licensed by any recognized body as a school teacher in any part of the British Dominions, a certificate of qualification which shall be valid in any part of the Province until revoked.

To give Normal School certificates.

(a.) No such certificate shall be given to any person who has not been a student in one of the Ontario Normal Schools, or who, if trained or licensed elsewhere, does not evidence by his certificate the extent of his ability and aptitude to teach to the satisfaction of the Chief Superintendent. 22 V., c. 64, s. 107. 37 V., ss. 67 and 68.

(13.) To be responsible for all moneys paid through him in behalf of the Normal and Model Schools, and to give such security for the same as the Lieutenant-Governor may require. 22 V., c. 64, s. 106, No. 15, and s. 120.

Responsibility for moneys.

(14.) To provide and recommend the adoption of suitable plans of school-houses, with the proper furniture and appendages; and to collect and diffuse among the people of Ontario useful information on the subject of education generally. 22 V., c. 64, s. 106, No. 12, and s. 120, No. 2, G.

To provide plans for school houses, and to disseminate useful information.

MISCELLANEOUS.—GENERAL POWERS.

(15.) To appoint :

(a.) One of the clerks in the Education Department to be his deputy to perform the duties of his office in his absence; 22 V., c. 64, s. 106, No. 9.

May appoint a deputy.

(b.) One or more persons, as he, from time to time deems necessary, to inspect any school or schools, and inquire into and report to him upon any school matter; such inspector, or other person or persons, shall be entitled to such remuneration out of any moneys appropriated by the Legislature for that purpose, as may be deemed just and equitable, considering the nature and extent of the duties to be performed. V. 22, c. 64, s. 106, No. 7; 37 V., s. 53a.

Remuneration.

(c.) Proper persons to conduct county teachers institutes.

(16.) To furnish such rules and instructions as he may judge advisable in regard to the proceedings of such institutes, and the best means of promoting and elevating the profession of school teaching and increasing its usefulness. 22 V., c. 64, s. 106, No. 14, and s. 120, No. 2, F.

Appoint conductors of teachers' institutes.

(17.) To direct the application of the balances of the school fund apportioned for any year which may be forfeited according to the provisions of this Act, towards making up the salaries of teachers in the county to which the same has been apportioned. 22 V., c. 64, s. 106, No. 8.

Forfeited balances.

(18.) To deduct, (should the municipal corporation of any county, city town, or village, raise in any one year, a less sum than that apportioned to it out of the Legislative School Grant) a sum equal to the deficiency, from the apportionment to such county, city, town, or village in the following year. 22 V., c. 64, s. 124.

Short municipal assessment.

(19.) To see that all moneys apportioned by him are applied to the objects for which they were granted; and for that purpose, and, when not otherwise provided for by law, to decide upon all matters and complaints submitted to him which involve the expenditure of any part of the school fund. 22 V., c. 64, s. 106, No. 7.

All moneys to be applied to objects intended.

(20.) To lay before the Legislature, at each sitting thereof a Account for

moneys to
Legislature.

correct and full account of the disposition and expenditure of all moneys which come into his hands as Chief Superintendent. 22 V., c. 64, s. 106, No. 18.

COUNCIL OF PUBLIC INSTRUCTION MATTERS.

Provide place
and call
Meetings.

(21.) To provide a place for the meetings of the Council of Public Instruction; 5

(a.) He may call a special meeting at any time, by giving due notice to the other members. 22 V., c. 64, s. 115.

Vacancy in
Council of
Public In-
struction.

(22.) To forthwith appoint a time for the holding of an election to fill any vacancy which may arise among the elected members of the Council of Public Instruction (other than by the 10 Colleges) and give one month's notice thereof, in such manner as may be directed by the Council of Public Instruction. 37 V. s. 3.

May appoint
deputy super-
tendent or
other officer to
perform duties.

(23.) To perform the duties in regard to the election of members of the Council of Public Instruction prescribed by the 15 eighteenth and nineteenth sections of this Act, or to appoint the Deputy Superintendent or other officer of the Education Department, to perform these duties on his behalf. 37 V., ss. 3, 12-15.

High School
examination
paper to be
transmitted to
Inspector,

(24.) To transmit to the Public School Inspector of the county city, or town, the examination papers prepared by the central 20 committee for the admission of pupils to High Schools and Collegiate Institutes, with such directions as he may judge necessary, and with any instructions, as to further *viva voce* examination which the Council of Public Instruction may desire to give. 37 V., s. 27.

To submit
books, manu-
scripts, and
general regu-
lations to the
Council of
Public In-
struction.

(25.) To prepare and lay before the Council of Public Instruc- 25 tion, for its consideration, such general regulations for the organization and government of Schools, and the management of school libraries, as he may deem necessary and proper. 22 V., c. 04, s. 106, No. 13.

(26.) To submit to the Council of Public Instruction, all books 30 or manuscripts which are placed in his hands, with the view of obtaining the recommendation or sanction of the Council for their introduction as text, library or prize books. 22 V., c. 64, s. 106, No. 13. 37 V., s. 69.

Chief Super-
intendent to
issue cata-
logues.

(27.) To cause to be printed from time to time a catalogue,, 35 showing the names and prices of all the books which are or may be sanctioned by the Council of Public Instruction for libraries and for prizes in the Collegiate Institutes, High and Public Schools. 37 V., s. 70.

Additional
catalogue.

(28.) To cause to be printed each half year a catalogue of any 40 additional books which may be sanctioned by the Council for said purposes. 37 V., s. 70.

Education
Department to
pay one-half
of the cost of
library and
by prize books
municipal and
school corpo-
rations.

(29.) To authorize the payment, out of any moneys appro- 45 priated by the Legislature for that purpose, of one-half of the cost of any prize or library book sanctioned by the Council of Public Instruction, for Public and High Schools and Collegiate Institutes which may be purchased by a Municipal or School Corporation from any bookseller or other parties, instead of at the Depository of the Education Department;

(a.) Such payment shall be made to the order of the Corpora- 50 tion purchasing any of the books specified in the catalogues or lists sanctioned by the Council, on the following conditions:—

Conditions.

1. The Chief Superintendent shall be duly certified of the facts;

2. He shall be furnished with the usual guarantee as to the proper disposition of the books, which may be purchased elsewhere than at the Depository;

5 3. He shall be furnished with certified vouchers of the cost, edition, and binding of the books so purchased elsewhere.

4. He shall not pay more than one-half of the cost of the books so purchased elsewhere, according to the prices specified for them in the printed catalogues, or in the authorized lists of such books published in the *Journal of Education*. 37 V.,
10 s. 71.

(30.) To prepare and transmit all correspondence directed or authorized by the Council of Public Instruction. 22 V., c. 64, s. 106, No. 16. Correspondence of the council.

REPORT—METEOROLOGICAL INSTRUMENTS.

15 (31.) To make annually to the Lieutenant-Governor, on or before the first day of July a report of the actual state of the Normal, Model, High and Public Schools and Collegiate Institutes showing the amount of moneys expended in connection with each class of these schools and institute, and from what
20 sources derived, with such statements and suggestions for improving the schools and the school laws, and promoting education generally, as he may deem useful and expedient;

(a.) He shall also present in such report the journals or abstracts of them which the meteorological station-observers are
25 required by this Act to keep. 22 V., c. 63, ss. 19, 26; 22 V., c. 64, s. 106, No. 17, and s. 120, No. 1.

(32.) To procure the meteorological instruments, register books and forms mentioned in the eighty-fifth section of this Act, at the request and expense of the municipality of any county or city in which a meteorological station is, or may be, established. 22.
30 V., c. 63, s. 26; 29 V., c. 23, s. 11. Meteorological Instruments.

32. The Chief Superintendent of Education shall have authority should he deem it expedient :

35 (1.) To refer, at his discretion, to the Council of Public Instruction for its inquiry into, and report upon, any matter connected with the administration of the School System, or with the interests of schools. 37 V., s. 20. School matters may be referred to Council.

(2.) To decide upon all disputes and complaints laid before him, the settlement of which is not otherwise provided for by
40 law, and upon all appeals made to him from the decision of any Inspector or other school officer. 23 V. c. 49, s. 14. Settle disputes and complaints.

(3.) To submit a case on any question arising under the High or Public School Acts, to any judge of either of the Superior Courts for his opinion and decision, or, with the consent of such
45 judge, to either of the Superior Courts, for their opinion and decision. 23 V., c. 49, s. 23. Submit case to Judges of Superior Court for decision.

(4.) To appeal within one month after the rendering of judgment in any case in which inspectors, trustees, teachers and others acting under the provisions of the School Acts are parties, from the decision of a division court judge to either of the
50 Superior Courts of law at Toronto, by serving notice in writing of such appeal upon the clerk of the division court appealed from, which appeal shall be entitled "The Chief Superintendent of Education for Ontario, Appellant, in the matter between (A. B. and C. D.)" 22 V., c. 64, s. 109, 34 V., c. 33, s. 27. Appeal to Superior Courts.

Payment of
costs.

(a) All costs awarded against the appellant, and all costs incurred by him, shall be paid by the Chief Superintendent, and charged as contingent expenses of his office. 22 V. c. 64, s. 113.

CERTAIN GRANTS AUTHORIZED.

1. *Under the authority of the Council of Public Instruction.*
2. *Through the Chief Superintendent of Education.*

Certain grants
authorized.

33. Out of any grants made from time to time in aid of Public and High Schools, the Lieutenant-Governor may authorize the expenditure annually of such sums as may from time to time be voted by the Legislative Assembly for the purposes following:—

1. *Under the authority of the Council of Public Instruction.*

Under the re-
gulations of
the Council of
Public
Instruction.

- (1.) For the salaries of officers, and other contingent expenses of the Normal Schools. 10
- (2.) For facilitating the attendance of teachers in training at the Normal Schools.
- (3.) For the support of the Normal and Model Schools.
- (4.) For the payment of Inspectors of High Schools and Collegiate Institutes. 15
- (5.) For the support of Superannuated Public and High School teachers.

2. *Through the Chief Superintendent of Education.*

Through the
Chief Superin-
tendent of
Education.

Museum

Journal of
Education.

Libraries.

Prizes, maps,
and apparatus.

Depository
clerks.

Teachers'
Institutes.
School archi-
tecture.

Poor Schools.

- (6.) For the purchase, from time to time, of books, publications, specimens, models, and objects, suitable for a Canadian library and museum, to be kept in the Normal School buildings at Toronto, and to consist of books, publications, and objects relating to education and other departments of science and literature, and specimens, models, and objects illustrating the physical resources and artificial productions of Canada, especially in reference to mineralogy, zoology, agriculture, and manufactures. 20
- (7.) For supplying a copy of the *Journal of Education* to every School Corporation, and every School Inspector.
- (8.) For the establishment and support of libraries in connection with the Schools.
- (9.) For providing the Schools with maps and apparatus and prizes upon the same terms, and in the same manner as books are provided for School libraries. 30
- (10.) For the payment of a salesman and assistant clerks of the public library, prize, map and school apparatus depositories, in connection with the Department of Public Instruction. 35
- (11.) For the encouragement of Teachers' Institutes.
- (12.) For procuring plans and publications for the improvement of School architecture and practical science, in connection with Schools.
- (13.) For special aid to Public Schools in new and poor townships. 22 V., c. 64, s. 120; 37. V. 40

PART III.—HIGH SCHOOLS AND THEIR DISTRICTS.

1. EXISTING DIVISIONS—AGREEMENTS.
2. NAME OF HIGH SCHOOL—PLACE OF HOLDING THE SCHOOL

—ITS DISCONTINUANCE.

3. HIGH SCHOOL DISTRICTS TO BE DEFINED.
4. ESTABLISHMENT OF NEW HIGH SCHOOLS:
5. POWERS OF BOARDS IN HIGH SCHOOL DISTRICTS.
6. CITIES AND TOWNS SEPARATED TO BE COUNTIES.
7. HIGH SCHOOL DISTRICTS IN TOWNS SEPARATED.

1. EXISTING DIVISIONS—AGREEMENTS.

34. All High School and Collegiate Institute divisions and districts, together with all elections and appointments to office, all agreements, contracts, assessments, and rate-bills, heretofore
 10 duly made in relation to High Schools and Collegiate Institutes, and existing when this Act comes into force, shall continue subject to the provisions of this Act. 22 V., c. 63, ss. 25 and 27; 34 V., c. 33, s. 40.
- Existing High School organizations continued.

2. NAME OF HIGH SCHOOL—PLACE OF HOLDING THE SCHOOL—ITS DISCONTINUANCE.

- 35 35. There shall be a High School or High Schools or Collegiate Institute in every county and union of counties, to be distinguished by prefixing to the words High School or Collegiate Institute the name of the city, town, or village within the limits of which any High School or Institute may be situated. 22 V., c. 63, ss. 1 and 3; 29 V., c. 23, s. 7; 34 V., c. 33, s. 35.
- Name of each County High School, and where it may be situated.

- 20 36. The place of holding any High School in a county or union of counties may be changed at the end of the then civil year by the council of the county within which it is established, by a by-law or resolution passed for that purpose at or before the June session, and approved of by the Lieutenant-Governor on the report and recommendation of the Chief Superintendent. 22 V., c. 63, ss. 1, 3; 29 V., c. 23 s. 7; 34 V., c. 33, s. 35; 37 V., s. 59.
- Place of holding.

- 30 37. Every County Council, at or before its June Session in any year, but not later, shall have authority (with the concurrence of the Lieutenant-Governor, on the report and recommendation of the Chief Superintendent of Education) to decide upon the discontinuance, at end of the then civil year, of any existing High School in any part of the County within the jurisdiction of the said County Council. 37 V., s. 59.
- Discontinuance of High School.

35 3. HIGH SCHOOL DISTRICTS TO BE DEFINED.

38. Every County Council shall, from time to time, determine the limits of a High School District for each High School or Collegiate Institute, existing in the county and within its
 40 municipal jurisdiction. 34 V., c. 33, s. 40.
- High School districts to be defined.

39. Any County Council may (under the restrictions prescribed in the next succeeding section) form a village or town, and the whole or part of one or more adjoining townships, within its jurisdiction, into a new or additional High School
 45 District in the county. 34 V., c. 33, s. 40; 37 V., s. 29.
- Districts for new Schools.

4. ESTABLISHMENT OF NEW HIGH SCHOOLS.

40. No additional High School shall be established by a County Council in any county, except at or before its June
- Establishment of new High

Schools—restriction

Session in any year, and unless the High School Fund shall be sufficient to allow of an apportionment at the rate of not less than four hundred dollars per annum to be made to such additional School, without diminishing the fund which was available for High Schools during the next preceding year;

(a.) Within this restriction it shall be lawful for the Lieutenant-Governor, on the report and recommendation of the Chief Superintendent of Education, to authorize the establishment of an additional High School in any County at the end of the then civil year. 29 V., c. 23, s. 8; 34 V., c. 33, ss. 35 and 37; 37 V., s. 29.

5. POWERS OF BOARDS IN HIGH SCHOOL DISTRICTS.

Powers of Board.

41. The High School or Collegiate Institute, Board of any district formed by the County Council, shall possess all the powers within the said district for the support and management of the High School or Institute, and in respect to the County Council, as are possessed under this Act by High School Boards generally in respect to the support and management of the High Schools under their care. 22 V., c. 63, s. 17; 34 V., c. 33, s. 40.

6. HIGH SCHOOL DISTRICTS IN CITIES AND TOWNS SEPARATED.

Cities to be Counties for High School purposes.

42. Every city, and every town separated for municipal purposes from the county in which it is situated, and the High School District of every town separated, shall, for all High School purposes, be a county; and its Municipal Council shall be invested with all the High School powers possessed by County, City or Town Councils. 29 V., c. 23, s. 1; 34 V., c. 33, s. 6.

High School districts for towns separated.

43. In case of High Schools situated in towns separated from the jurisdiction of a County Council, it shall be lawful for such Council, and the Council of the town, by such joint action as may be agreed upon, to unite the whole, or any part of an adjoining township, or adjoining townships, with such town so as to form a High School District, upon such terms and conditions, and for such period as may be mutually concurred in.

Terms and conditions,

(a) Such district, when formed, shall be within the jurisdiction of the Town Council and High School Board for all High School purposes. 37 V., s. 29a.

PART IV.—MUNICIPAL COUNCILS AND THEIR DUTIES.

1. OBLIGATORY MUNICIPAL ASSESSMENT FOR HIGH SCHOOLS.

1. *County and City.*

2. *City, Town, Town separated, Village and Township.*

3. *High School Districts.*

2. VOLUNTARY MUNICIPAL ASSESSMENTS.

3. MONEYS TO BE PAID TO TREASURER.

4. TREASURER'S ACCOUNTS TO BE AUDITED.

1. OBLIGATORY MUNICIPAL ASSESSMENT FOR HIGH SCHOOLS.

Equivalent to grant.

44. A sum equal to one-half of the amount paid by the Government to any High School or Collegiate Institute in a city or town withdrawn from the jurisdiction of the county,

together with such other sums as may be required for the accommodation and support of such school, shall be provided by the Municipal Council of such city or town, upon the application of the High School Board. 34 V., c. 33, s. 36.

- 5 **45.** In the case of a High School in a town not withdrawn from the county, or in an incorporated village or township, one-half of the amount paid by the Government, shall be paid by the Municipal Council of the County in which such High School or Collegiate Institute is situated, upon the application of the High School Board; and such other sums as may be required for the maintenance and school accommodation of the said High School, shall be raised by the Council of the Municipality in which the High School is situated, upon the application of the High School Board; or, in the event of the County Council forming the whole or part of a county into one or more High School District, then such other sums as may be required for the maintenance of the said High School shall be provided by the High School District, upon the application of the High School Board; such sums shall be raised in the manner provided in the next section. 34 V., c. 33, ss. 36 and 40.
- County to pay equivalent.
- High School Districts to raise other sums.

- 46.** The council of any municipality, or the councils of the respective municipalities, out of which the whole or part of such High School District is formed, shall, upon the application of the High School Board, raise the proportion required to be paid by such municipality or part of the municipality, from the whole or part of the municipality, as the case may be. 34 V., c. 33, s. 36, No. 1, and s. 40.
- Manner.

2. VOLUNTARY MUNICIPAL ASSESSMENTS.

- 47.** The Council of every county, city, and town separated from the county for municipal purposes, may pass by-laws for the following purposes:—

1. For making provision by local assessment, in addition to that required to be made by this Act, for procuring sites for High Schools, for renting, building, repairing, furnishing, warming, and keeping in order High School houses and their appendages, grounds, and enclosures. 22 V., c. 61, ss. 3 and 25, No. 5.
 - (2.) For obtaining within the county, or in any city or town separated from the county, as the wants of the people may most require, the real property requisite for erecting High School houses thereon, and for other High School purposes, and for preserving, improving, and repairing such High School houses, and for disposing of such property when no longer required.
 - (3.) For making provision (additional to that required to be made by this Act) in aid of such High Schools, as may be deemed expedient by the Council.
 - (4.) For making a permanent provision for defraying the expenses of the attendance at the University of Toronto, and at the Upper Canada College and Royal Grammar School there of such of the pupils of the High Schools or Collegiate Institutes of the county as are unable to incur the expense, but are desirous of, and in the opinion of the respective masters of such High Schools, or Collegiate Institutes possess competent attainments
- Aiding High Schools.
- Lands for High Schools.
- Additional provision.
- Pupils competing for University prizes.

for competing for any scholarship, exhibition, or other similar prize, offered by such university or college.

Attendance at
High School.

(5.) For making similar provisions for the attendance at any High School or Collegiate Institutes, for like purposes, of pupils of the Public Schools of the municipality.

5

Endowing
fellowships.

(6.) For endowing such fellowships, scholarships, or exhibitions, and other similar prizes, in the University of Toronto, and in the Upper Canada College, and Royal Grammar School there, for competition among the pupils of the High Schools of the county, as the council deems expedient for the encouragement of learning amongst the youths thereof. 22 V., c. 63, s. 16; 34 V., c. 33, s. 36; 36 V., c. 48, s. 383, Nos. 5-9.

3.—MONEYS TO BE PAID TO TREASURER.—AUDITED ACCOUNTS.

Moneys to
be paid to
treasurer.

48. All moneys raised in any Municipality or High School District, by local assessment, subscription, fees or otherwise, under the authority of this Act, shall be paid over to the High School Treasurer in such municipality or district.

(a) All local assessments and subscriptions for the support of High Schools or Collegiate Institutes shall be payable on or before the fourteenth day of December in every year. 22 V., c. 63, ss. 16 and 25, No. 6.

20

Audit of High
School treasurer's
accounts.

49. The Treasurer of every High School Board shall give security to the board appointing him for the due and faithful performance of his duties, and shall submit his accounts to the Municipal Auditors to be audited by them in the same manner as the Municipal Treasurer's accounts are audited;

25

(a) It shall be the duty of the Municipal Auditors to audit such accounts of the Treasurer. 34 V., c. 33, ss. 6 and 45; 37 V.

PART V.—HIGH SCHOOL TRUSTEES AND THEIR DUTIES.

1. APPOINTMENT OF HIGH SCHOOL TRUSTEES.

1. *In a city*
2. *In towns and villages.*
3. *In a town separated.*
4. *Retiring trustees.*

2. POWERS AND DUTIES OF HIGH SCHOOL AND COLLEGIATE INSTITUTE TRUSTEES.

3. UNION OF HIGH AND PUBLIC SCHOOLS.

4. ADMISSION OF PUPILS TO HIGH SCHOOLS—NON-RESIDENTS.

1.—APPOINTMENT OF HIGH SCHOOL TRUSTEES.

City and
town to ap-
point six
trustees,

50. The Council of every city shall, from time to time, appoint, in the manner provided by this Act, a board of trustees for the High School, or Collegiate Institute, within its jurisdiction, consisting of six fit and proper persons. 22 V., c. 63, s. 20; 29 Vic., c. 23, s. 1; 29 V., c. 33, s. 34.

30

Restriction.

51. When, and so long as the only High School of the county is situated within a city, the Council of such county shall appoint one half of the trustees of such High School. 29 V., c. 23, s. 1.

52. Every County Council shall, from time to time, select and appoint three fit and proper persons as trustees of each High School or Collegiate Institute situated in a town not separated from the county for municipal purposes, or in an incorporated village; County council to appoint three trustees.

(a) The corporation of the town or incorporated village, within the limits of which the High School or Collegiate Institute is or may be situated, shall also, from time to time, appoint three fit and proper persons as trustees of such High School, one of whom, in the order of their appointment in each case, shall annually retire from office on the thirty-first day of January in every year. Town and village council to appoint three trustees. 29 V., c. 23, s. 2.

53. The County Council may from time to time appoint and determine the continuance and succession in office, in the manner hereinafter provided, of six duly qualified persons as members of the High School board of any High School established in an unincorporated village, with the sanction of the Lieutenant-Governor. County council to appoint six trustees in villages. 34 V., c. 33, s. 40.

54. In case a County Council shall, in any year, raise by assessment the equivalent of at least one-half of the amount of the Legislative Grant which may be made to a High School or Collegiate Institute, situated in a town separated from the municipal jurisdiction of such Council, it shall be lawful for such Council to appoint, for the ensuing year, one-half of the trustees of the High School or Collegiate Institute; Appointment of High School trustees in towns separated.

(a) Should the County Council not raise such equivalent, then the whole of the trustees of such High School shall be appointed by the Municipal Council of the town concerned. Alternative condition. 37 V.

55. The members of every High School, or Collegiate Institute, Board in office at the time this Act comes into force, shall continue in office as such trustees, as herein provided, (unless a vacancy occurs, for which provision is hereinafter made,) and on the thirty-first day of January then next, and annually, on the thirty-first day of January in every year, two of the members of such board for the time being, shall retire from said board in rotation, according to seniority in office. Continuance in office. Rotation. 22 V., c. 63, s. 21; 29 V., c. 23, s. 2.

56. Any occasional vacancy in a High School, or Collegiate Institute, Board, arising from death, resignation, removal from the municipality, or otherwise, of a trustee, shall be filled up by the county, city, town, or village council, as the case may be; provided that the person appointed to fill such occasional vacancy shall hold office only for the unexpired part of the term for which the person whose place shall have become vacant was appointed to serve. Mode of filling vacancies. 22 V., c. 63, s. 22; 29 V. c. 23, s. 2.

57. Except in the cases provided for in the fifty-first and fifty-fourth sections of this Act, the council of every city and town separated from the county for municipal purposes, at the first meeting to be held after the first day of January in each year, shall appoint two trustees to fill the vacancies caused by the annual retirement of that number of trustees from the High School, or Collegiate Institute, Board. City and town separated to appoint trustees. 22 V., c. 63, s. 23; 29 V. c. 23, ss. 1 and 2; 34 V., c. 33, s. 36; 37 V.

County, town,
and village to
appoint
trustees.

58. The council of every county, the council of every town not separated from the county for municipal purposes, and the council of every incorporated village, as the case may be, at their first meetings to be held after the first day of January in each year, shall each appoint one trustee to fill the vacancies caused by the annual retirement of two trustees of the High School, or High Schools, or Collegiate institute, within their jurisdiction. 22 V., c. 63, s. 23 ; 29 V., c. 23, s. 2 ; 34 V., c. 33, s. 36. 5

Retiring
trustees.

59. Any retiring trustee of a High School may, with his own consent, be re-appointed to office by a municipal council ; 10
(a) All trustees for the time being shall hold office until their successors are appointed. 22 V., c. 63, s. 23 ; 29 V., c. 23, s. 2.

2. POWERS AND DUTIES OF HIGH SCHOOL AND COLLEGIATE INSTITUTE TRUSTEES.

High School
trustees to be
a corporation.
—Powers.

60. The trustees of every High School, or Collegiate Institute, shall be a corporation, by the name of "The High School, (or Collegiate Institute) Board," prefixing to the term "High," or "Collegiate Institute," the name of the city, town, or incorporated village, within which such High School or Collegiate Institute is situated, and shall have and possess all the powers usually enjoyed by corporations, so far as the same are necessary for carrying out the purposes of this Act. 22 V., c. 63, s. 24 ; 29 V., c. 23, s. 3 ; 34 V., c. 33, s. 34. 15

1. *Appoint officers—Take charge—Erect and repair houses.*
2. *Apply for moneys—Appoint teachers—Conduct school—Report.*

Duties of the
board of High
School trust-
tees.

61. It shall be the duty of the trustees of every High School or Collegiate Institute Board, three of whom shall form a quorum for the transaction of business :

- (1.) To meet annually at or near the place where each school under their charge is held, on the first Wednesday in February in each year. 22 V., c. 63, s. 24. 25

1. *Appoint officers.—Take charge.—Erect and repair houses.*

To appoint
Chairman, &c.

- (2.) To appoint annually, or oftener, from amongst themselves a chairman of the board.

To take charge
of County
High School.

- (3.) To fix the times and places of the board meetings, the mode of calling and conducting them, and of keeping a full and correct account of the proceedings of such meetings ; 30

To erect, re-
pair, and fur-
nish schools,
&c.

- (4.) To take charge of the High School or Collegiate Institute for which they have been appointed trustees, and the buildings and lands appertaining to it ; 22 V., c. 63, s. 25, Nos. 1 and 2.
- (5.) To do whatsoever they may deem expedient with regard to erecting, repairing, warming, furnishing, and keeping in order the buildings of such School or Institute and its appendages, lands, and enclosures belonging thereto. 22 V., c. 63, s. 25, No. 5. 35

2. *Apply for moneys—Appoint teachers—Conduct school—Report.*

- (6.) To apply (as the case may be) to the municipal council of the city, or of the town separated from the county for municipal 40

purposes, for such sum or sums which said board may require for the support, management, and school accommodation, and other necessary expenses of their High School or Collegiate Institute, and which said Council is required by this Act to raise 5 by local assessment for these purposes. 22 V., c. 63, ss. 16 and 25, Nos. 5 and 6; 29 V., c. 23, ss. 1 and 3; 34 V., c. 33, s. 36.

Councils to supply additional funds.

(a) The Board of a High School district shall apply to the council of the municipality, or councils of the respective municipalities, out of which the whole, or part of the High School district is formed, for such sums as are authorized by the forty-fifth 10 section of this Act. 34 V., c. 33, s. 36.

(7.) To apply to the councils of the municipalities mentioned in the forty-seventh section of this Act, for any additional moneys which said Councils may raise for High School or Collegiate 15 Institute purposes, under the authority of this Act. 22 V., c. 63, s. 25, No. 5.

(8.) To settle the amount to be paid by parents and guardians for each pupil attending the School or Institute, and to fix the times of payment, and apply the moneys received therefor as 20 they may judge expedient towards making up the salaries of teachers, providing the proper apparatus, maps, text, library and prize books, daily and general entrance registers, and defraying any other necessary expenses of the School or Institute; and they may sue for and recover such amounts, and, 25 when collected, the same shall be paid over to the treasurer of the said High School or Collegiate Institute Board. 22 V., c. 63, s. 25, No. 6; 37 V.

To collect fees.

(9.) To give the necessary orders upon the municipal treasurer for the amount of public money to which the School is entitled, 30 and upon their own treasurer for any moneys in his hands, for the payment of the salaries of the masters, teachers, and other officers and servants of the School or Institute, and of any other necessary expenses. 22 V., c. 63, s. 25, Nos. 3, 4, 6 and 9; 34 V., c. 23, s. 36.

To give orders on treasurer for salaries and expenses.

(10.) To remove, if they see fit, and in case of vacancies, appoint a legally qualified master and other teachers, of competent ability and good morals, in the School or Institute, and to fix their salaries and prescribe their duties. 22 V., c. 63, ss. 12, 25, No. 3; 29 V., c. 23, s. 11; 34 V., c. 33, s. 34. 35

To appoint and remove Masters, Teachers.

(11.) To appoint such other officers and servants in the School or Institute as they may judge expedient, and fix their remuneration. 22 V., c. 64, s. 25, No. 4. 40

Officers and servants.

(12.) To make provision for giving to both male and female pupils in their High School or Collegiate Institute, by legally 45 qualified teachers of competent ability and good morals, instruction in all the higher branches of a practical English and commercial education, including the natural sciences, with special reference to agriculture, the elements of mathematics, natural philosophy and mechanics, and also for giving instruction in the Latin, Greek, French, and German languages, (to 50 those pupils whose parents or guardians may desire it,) so far as to prepare students for University College, or any college affiliated to the University of Toronto—according to a programme of studies, general rules and regulations, which shall be prescribed from time to time by the Council of Public Instruction, with the approval of the Lieutenant-Governor. 22 V., c. 63, ss. 12 and 25, No. 3; 29 V., c. 23, s. 11; 34 V., c. 33, ss. 34 and 35. 55

Give instruction in all the higher branches.

Conduct of
school.
Text-books.

Examinations.

To make an
annual report
to chief super-
intendent.

(13.) To see that their School or Institute is conducted according to the provisions of this Act, and of the general rules and regulations provided under its authority; that the pupils of the School or Institute are supplied with proper text-books; and that public half-yearly examinations of the pupils are held, and due notice given of them. 22 V., c. 63, ss. 12 and 25, No. 8; 29 A., c. 23, ss. 3 and 6; 34, V., c. 33, s. 25, No. 10. 5

(14.) To prepare and transmit, before the fifteenth day of January, to the Chief Superintendent of Education, an annual report, in accordance with a form of report which shall be provided by him for that purpose, and which report shall contain a full and accurate account of all matters appertaining to the School or Institute. 22 V., c. 63, s. 25, No. 10. 10

3. Preparatory classes, or schools.

62. It shall be competent for the Board of Trustees of any High School or Collegiate Institute. 15

Preparatory
classes.

(1.) To establish a preparatory school, class or classes for the preparation of pupils for admission to such High School or Collegiate Institute.

Proviso as to
teaching.

(a.) No master or teacher employed in the High School or Collegiate Institute shall teach in such preparatory school, class, or classes. 20

As to grant.

(b.) No part of the Legislative grant or of the County assessment for High School or Collegiate Institute purposes shall be applied toward the expenses of the establishment, teaching or maintenance of such preparatory school, class or classes. 25

As to assess-
ment.

(c.) No additional local assessment for High School or Collegiate Institute purposes shall be applied towards such expenses without the consent of the Council of the Municipality, in which the High School or Collegiate Institute is situated. 37 V.

3. UNION OF PUBLIC AND HIGH SCHOOLS.

Case of union
of High and
Public School
Trustees pro-
vided for.

63. In all cases of the union of High School (or Collegiate Institute) and Public School Trustee Corporations now existing, all the members of both Corporations shall constitute a joint Board, and shall, as long as the union exists, be a Corporation, under the name of *The Board of Education for the City*; (Town or incorporated Village of , or in School Section, No. in the Township of , (as the case may be.) 37 V. s. 30. 30

(a.) Seven of the members of the Board shall form a quorum; and such Board shall have the powers of the Trustees of both the Public and High Schools. The Board shall furnish the Chief Superintendent with the lists specified in the fifteenth and seventeenth sections of this Act, and may, at its discretion, supplement the pension granted to any teacher, by the Council of Public Instruction. 22 V., c. 63, s. 25, No. 7; 37 V. ss. 11, 12, and 44. 45

Union may be
dissolved.

(b.) The union may be dissolved at the end of any year by resolution of a majority present at any lawful meeting of the said Board of Education called for that purpose. 37 V., s. 30.

Disposition of
School prop-
erty.

(c.) On the dissolution of such union, the school property held or possessed by the Board of Education at the time shall be divided or applied to school purposes, as may be agreed upon by a majority of the Public School Trustees and of the High School (or Collegiate Institute) Trustees respectively, present at meetings called for that purpose; or if they fail so to agree within the space of six months after such dissolution, then 50

the division shall be made by the Municipal Council of the city, town, or incorporated village within the limits of which such Public and High Schools (or Collegiate Institute) are situated; and, should the High School be situated in a School Section or unincorporated village, the division in case of failure and agree as aforesaid) shall be made by the County Council. 37 V., s. 30.

(d) After the first day of July, one thousand eight hundred and seventy-four, no Public School or department thereof shall be united with a High School or Collegiate Institute. 37 V.

4. ADMISSION OF PUPILS TO HIGH SCHOOLS—NON-RESIDENTS

64. The county, city or town Inspector of Schools, the Chairmen of the Public and High School or Collegiate Institute Boards, and the Head Master of the High School or Collegiate Institute shall constitute a board of examiners for the admission of pupils to the High School or Collegiate Institute, as follows: —34 V., c. 33, s. 38; 37 V., s. 27.

(1.) The papers of questions prepared for the uniform examination of pupils for admission to High Schools and Collegiate Institutes, by the Central Committee appointed by the Council of Public Instruction, (with the value assigned to each question, and with directions from the Chief Superintendent of Education or Instruction, as to any further examinations which the Council may desire to be made *viva voce*) are to be transmitted by the Chief Superintendent to the Inspector of Public Schools of the city (in case of a city), or of the county (in case of a county), or of a town in the territorial limits of the county;

(2.) The local Board of Examiners shall have authority to admit provisionally any pupil who shall have duly passed the required examination under the regulations prescribed by this Act, and directions given by the Chief Superintendent.

(3.) The Inspector shall prepare a return (in a form to be provided for that purpose) with respect to every examination; and he shall forward the return, together with the answers of the pupils, to the Chief Superintendent of Education within ten days after the examination, in order that the same may be considered and reported upon to the Chief Superintendent by the Central Committee; and the Committee shall report thereon, and confirm, disallow, or cancel the admission of any pupil, or may require of any pupil further tests of proficiency in any subject of the prescribed programme of examination;

(4.) Where, in any county or union of counties there is a Collegiate Institute, as well as a High School, or where there are in any county or union of counties more High Schools than one, or where from illness or other unavoidable cause the Public School Inspector is not able to attend in person, he may appoint another duly qualified person to act as presiding examiner in his place at the examination of candidates for admission to any High School or Collegiate Institute;

(5.) The person so appointed shall be bound by the same regulations as if he were the presiding Inspector, and shall be entitled to the like remuneration for his attendance; and at the close of the examination he shall (if a member of the local Board of Examiners) lay before the Board, or (if he be not such member) he shall forthwith deliver, or transmit to the Inspector, to be laid before the Board, the Examination Papers and answers of the candidates;

By whom made.

Board of examiners for the admission of pupils.

Papers and instructions to be sent.

Provisional admission.

Inspector's return to Chief Superintendent.

Central Committee.

Inspector may appoint a person to preside.

Duties and allowance.

Inspector.
Duties and
pay.

(6.) The County Inspector, for the services performed by him in a county or village under this section, shall be paid by the Council of the county the same remuneration for his time, travelling and other expenses, as a member of the County Council receives, and such additional allowance as may be 5 determined by such Council;

Contingent
expenses.

(7.) The city or town Inspector shall be paid by the Public School Board of such city or town a sum at the rate of *five dollars* per day while engaged in the examination;

(8.) The County Council, or city or town Board, aforesaid, (as 10 the case may be), shall respectively provide for the payment of the Inspector, and also of the contingent expenses of the examination, as certified by the Board of Examiners. 37 V., s. 27.

Inspector to
see to observ-
ance of Regu-
lations.

(9.) The inspectors of High Schools shall see that the regula-
tions and programme of examination, provided by the Council 15
of Public Instruction, are duly observed in the admission of
pupils to the High Schools and Collegiate Institutes. 34 V., c.
33, s. 38.

Admission of
pupils from
county.

65. Pupils residing in any part of the county or union of
counties, shall have the right to attend any of the High Schools or 20
Collegiate Institutes in the county or union of counties, upon the
same terms as to payment of fees, or otherwise, as pupils resident
in the town, incorporated village, or school division, within
which the High School or Collegiate Institute is situated;

Exception.

(a) This section shall not apply to High Schools or Collegiate 25
Institutes in cities or in towns separated from the county or
union of counties, unless the county council shall provide the
required equivalent to the legislative grant. 34 V., c. 33, ss. 36
and 38; 37 V., s. 26.

PART VI.—HIGH SCHOOL GRANTS AND OTHER MONEYS.

1. BASIS OF APPORTIONMENT TO HIGH SCHOOLS.
2. GRANT PAYABLE HALF-YEARLY.
3. CONDITION OF PAYING HIGH SCHOOL GRANT.

1. BASIS OF APPORTIONMENT TO HIGH SCHOOLS.

Basis of appor-
tionment to
the High
Schools.

66. The High School Grant shall be exclusively applied 30
in aid of High Schools and Collegiate Institutes conducted
according to law, and shall be apportioned to each high school
and collegiate institute, upon the basis, as compared with other
high schools and collegiate institutes, of the length of time each
such high school or collegiate institute is kept open, of the daily 35
average attendance of pupils at such high school or collegiate
institute, and of their proficiency in the various branches of study
named in the programme of studies and general regulations pre-
scribed according to law for High Schools and Collegiate Insti-
tutes. 22 V., c. 63, ss. 4 and 6; 29 V., c. 23, s. 7; 34 V., c. 33, ss. 40
36 and 37.

Inspectors to
see to the
admission of
pupils.

67. The attendance of pupils at every High school and Collegi-
ate Institute shall be certified by the head master and trustees
thereof, and shall be verified by an inspector of High Schools. 29
V., c. 23, s. 7. 45

Appor on-
ment to each
High School.

68. The sums of money apportioned out of the High School

Grant shall be distributed amongst the several High Schools and Collegiate Institutes within the restrictions imposed by this Act, and under such rules and regulations as may from time to time, be made by the Council of Public Instruction, and approved by the Lieutenant-Governor. 22 V., c. 63, s. 9.

2. GRANT PAYABLE HALF-YEARLY.

69. The sums of money apportioned to each High School and Collegiate Institute, shall be payable half-yearly to the treasurer of the county entitled to receive it, in such manner as may be determined by the Lieutenant-Governor. 22 V., c. 63, s. 8; 29 V., c. 23, s. 7.

High school apportionment payable half-yearly.

3. CONDITION OF PAYING HIGH SCHOOL GRANT.

70. All moneys apportioned to a High School or Collegiate Institute by the Chief Superintendent, together with a sum, at least equal to one-half of the amount thus apportioned to such school, raised under the authority of this Act, by local municipal assessment, shall be expended in the payment of the salaries of masters and teachers, and for no other purpose. 22 V., c. 63, ss. 8 and 25; 29 V., c. 23, s. 6; 34 V., c. 33, s. 36.

High School Fund to be expended on Teachers' salaries only

71. No High School or Collegiate Institute shall be entitled to receive any part of the High School fund which is not conducted according to this Act and to the programme, rules and regulations provided by law; nor unless a sum shall be provided from local sources, exclusive of fees, at least equal to half of the sum apportioned to such school or institute, and expended in the payment of teachers' salaries. 22 V., c. 63, s. 12; 29 V., c. 23, ss. 6 and 7; 34 V., c. 33, s. 37.

Condition of sharing in High School fund.

PART VII.—HIGH SCHOOL AND COLLEGIATE INSTITUTE MASTERS.

1. HEAD MASTER TO BE UNIVERSITY GRADUATES.
2. SETTLEMENT OF DISPUTES.
3. SUPERANNUATION ALLOWANCE.
4. ENTITLED TO HOLIDAY VACATION. CASES OF SICKNESS.
5. REGISTERS.

1. HEAD MASTERS TO BE UNIVERSITY GRADUATES.

72. After the passing of this Act no person shall be deemed to be legally qualified to be appointed head master of a High School or Collegiate Institute unless he be a graduate in arts of some university within the British dominions, and furnish satisfactory evidence to the Council of Public Instruction of his knowledge of the science and art of teaching, and of the management and discipline of schools; but any person legally qualified and employed as head master in any High School or Collegiate Institute before the passing of this Act, shall be deemed qualified notwithstanding this section. 29 V., c. 23, s. 10; 37 V., s. 24 a.

Head Masters to be University Graduates.

2. SETTLEMENT OF DISPUTES.

73. All matters of difference between trustees, masters and teachers of High School and Collegiate Institutes, in regard to

Settlement of disputes.

salary or other remuneration, shall be brought and decided in the Division Court, by the judge of the County Court, in each County: Provided always that the decision of any County judge in such cases may be appealed from, as provided for in the Public School Act. 34 V., c. 33, s. 27. 5

Division Court judgment may be enforced.

74. In pursuance of a judgment or decision given by a County Judge in a Division Court, under the authority of the foregoing section, and not appealed from, execution may issue from time to time, to recover what may be due of the amount which the judge may have decided the plaintiff entitled to, in like manner as on a judgment recorded in a Division Court for a debt, together with all fees and expenses incidental to the issuing thereof and levy thereunder. 37 V., s. 66a. 10

3. SUPERANNUATION ALLOWANCE.

Right of teachers to retire.

Pension on reaching 60 years of age.

Condition of pension.

75. Every teacher who, while engaged in his profession, contributes to the Superannuated Teachers' Fund as provided by law, shall, on reaching the age of sixty years, be entitled to retire from the profession at his discretion, and receive an allowance or pension at the rate of six dollars per annum for every year of such service in Upper Canada or Ontario, upon furnishing to the Council of Public Instruction satisfactory evidence of good moral character, of his age, and of the length of his service as a Public or High School teacher in Upper Canada or Ontario; 15 20

(a) Such pension may be supplemented out of local funds by any Municipal Council or Public or High School Board or Board of Education, at its pleasure. 37 V. s. 44. 25

Teachers under 60.

76. Every teacher under sixty years of age who has contributed as aforesaid and who is disabled from practising his profession, shall be entitled to a like pension, or local supplementary allowance, upon furnishing the like evidence, and upon furnishing to the Council from time to time, in addition thereto, satisfactory evidence of his being disabled. 37 V. 30

\$1 per annum extra to certain teachers.

77. Every teacher entitled to receive an allowance from the Superannuated Teachers' Fund, who holds a first-class or second-class Provincial Certificate, or who is an authorized head master of a High School or Collegiate Institute shall, in addition to said allowance or pension, be entitled to receive a further allowance at the rate of one dollar per annum for every year of service while he held such certificate, or while he acted as Head Master of a High School or Collegiate Institute. 37 V., s. 45. 35

Proviso in regard to good moral character.

78. The retiring allowance shall cease at the close of the year of the death of the recipient, and may be discontinued at any time should the pensioned teacher fail to maintain a good moral character, to be vouched for (when required) to the satisfaction of the Council of Public Instruction. 37 V., s. 46. 40

Resume profession.

79. If any pensioned teacher shall, with the consent of the Council, resume the profession of teaching, the payment of his allowance shall be suspended for the time of his being so engaged; and, in case of his again being placed by the Council on the superannuation list, a pension for the additional time of 50

teaching shall be allowed him, on his compliance with the law and regulations. 37 V., s. 47.

4. ENTITLED TO HOLIDAYS AND VACATIONS. CASES OF SICKNESS.—REGISTERS.

80. No teacher shall be entitled to share in the said fund unless he has contributed to such fund the sum of *four* dollars or more per annum, for and during the period of his teaching school. 22 V., c. 64, s. 119, No. 6, 37 V.

81. Every master or teacher of a Public or High School or Collegiate Institute, shall be entitled to be paid his salary for the authorized holidays occurring during the period of his engagement with the trustees, and also for the vacations which follow immediately on the expiration of the school term during which he has served, or the term of his agreement with such trustees ; (a) In case of sickness, certified by a medical man, he shall be entitled to his salary during such sickness for a period at the rate of not exceeding four weeks for the entire year; which period may be increased at the pleasure of the trustees. 37 V. s. 49

Teacher entitled to holidays and vacations.

Case of sickness.

Four weeks allowed.

82. The summer vacation in the High Schools and Collegiate Institutes shall be from the first day of July until the fifteenth day of August inclusive. 34., c. 33, s. 44.

Vacation from 1st July to 15th August in High Schools.

83. Every master of a Public or High School or Collegiate Institute, shall keep, in the prescribed form, general entrance and daily class registers, and he shall record therein the admission, promotion, removal, or otherwise, of the pupils in his school;

Teachers general and class register.

(a) The said registers shall be provided at the expense of the school by the trustees thereof. 37 V., s. 50.

84. The master of every High School or Collegiate Institute at which a meteorological station is, or may be, authorized, as provided by this Act, shall make the requisite observations for keeping, and shall keep a meteorological journal embracing such observations, and kept according to such form as they may from time to time be directed by the Council of Public Instruction; and all such journals or abstracts of them shall be sent monthly by such master to the Chief Superintendent of Education. 22 V., c. 63, s. 26; 29 V., c. 23, s. 11.

Masters of certain High Schools shall make and transmit meteorological observations.

85. Every authorized High School or Collegiate Institute meteorological station, shall be provided, at the expense of the county, city, or town with the following instruments :—

Meteorological instruments.

40 One barometer; one thermometer for the temperature of the air; one Daniel's hygrometer, or other instrument for showing the dew-point; one rain-gauge and measure; one wind-vane; books for registering observations, and forms and abstracts therefor. 22 V., c. 63, s. 26; 29 V., c. 23, s. 11.

54 86. Every High School and Collegiate Institute meteorological station at which the daily observations are made, as required by law, shall be entitled to an apportionment, ad-

Allowances for making Meteorological reports.

ditional to that made to the High School out of the High School Fund, at a rate not exceeding fifteen dollars per month for each consecutive month during which such duty is performed, and satisfactory journals or monthly abstracts thereof (according to the form and regulations provided by the Department of Public Instruction) by the head master observer, who shall certify that the observations required have been made with due care and regularity. 22 V., c. 63, s. 26; 29 V., c. 23, s. 11. 5

PART VIII.—HIGH SCHOOL SITES AND OTHER PROPERTY.

1. HIGH SCHOOL PROPERTY VESTED IN TRUSTEES.
2. SPECIAL CASES PROVIDED FOR.
3. SPECIAL GRANTS OF SCHOOL SITES.

1. HIGH SCHOOL PROPERTY VESTED IN TRUSTEES.

High School property vested in trustees.

87. All property heretofore given or acquired in any municipality, and vested in any person or persons, or corporation, for High School or Collegiate Institute purposes, or which may hereafter be so given or acquired, shall vest absolutely in the corporation of High School or Collegiate Institute trustees having the care of the same, subject to such trusts as may be declared in the deed or instrument under which such property is held. 29 V., c. 23, s. 4. 10 15

2. SPECIAL CASES PROVIDED FOR.

Crown cases provided for if site be not suitable.

88. In case any lands in Ontario have been, or after the passing of this Act, shall be surrendered, granted, devised or otherwise conveyed to the Crown, or to the trustees of any High School or Collegiate Institute, or to any trustees, in trust for the purposes of, or as a site for, any such High School, or Collegiate Institute, or for any other educational institution established in any county or place therein for the benefit of the inhabitants thereof generally, and in case such lands be found not to afford the most advantageous site for such School or Institution, or there being no School or Institution bearing the precise designation mentioned in the deed of surrender, grant, devise, or other conveyance, or in case it may be for the benefit of such School or Institution that such lands should be disposed of, and others acquired in their stead, for the same purpose, or the proceeds of the sale applied thereto, then such lands may be surrendered and conveyed as hereinafter provided. 22 V., c. 63, s. 30, 20 25 30

Such lands may be surrendered to the Crown.

89. The trustees in whom any lands mentioned in the next preceding section are vested in trust as aforesaid, may (with the consent of the Municipal Council, expressed at a legal meeting and certified under the hand of the head and the corporate seal of the municipality in which such School or Institution has been or is to be established) surrender and convey such lands to the Crown unconditionally, and such conveyance shall vest the lands absolutely in the Crown, without formal acceptance by the Crown, the Governor, or any other officer or person for the Crown. 22 V., c. 63, s. 30. 35 40

90. Any lands surrendered, granted, devised or otherwise

conveyed to the Crown for any such purpose as aforesaid, may be sold by order of the Governor in Council, and the proceeds applied to the purchase of other lands to be vested in the Crown for the purpose of the same School or Institution, or in the case of there being no School bearing the precise designation intended as aforesaid by the person who granted or devised the lands to the trustees, from or through whom the lands so sold came to the Crown, then for the purposes of the High School or Collegiate Institute or other Public Educational Institution established for the benefit of the inhabitants of the municipality generally, which in the opinion of the Governor in Council comes nearest in its purposes and designs to that intended by such person as aforesaid. 22 V., c. 63, s. 31.

Such land to be sold for the benefit of such school, etc.

91. If such proceeds be applied to the purchase of lands for High School or Collegiate Institute purposes, the title to such lands may be vested in the board of trustees for any High School or Collegiate Institute, by their corporate name; and if there be any surplus of such proceeds after such purchase, or if it be found that no lands are required as a site for, or for other purposes of such school or institution, then such surplus or proceeds (as the case may be) may be invested or applied for the purposes of such school or institution, in such manner as the Governor in Council deems most for the advantage thereof. 22 V., c. 63, s. 32.

Lands purchased with proceeds.

92. No purchaser of land from the Crown, under this Act, shall be in any way bound to see to the application of the purchase money. 22 V., c. 63, s. 33.

Purchasers not to see to trusts.

93. Nothing in this Act shall impair the rights of any private party in or upon any lands, in so far as such rights would have existed and could be exercised without this Act. 22 V., c. 63, s. 34.

Private rights protected.

94. The Crown may grant to the trustees of any High School or Collegiate Institute, or of any other public educational institution established for the benefit of the inhabitants of the municipality generally, and lands which may have been or may, after the passing of this Act, be surrendered, granted, devised, or otherwise conveyed to the Crown as aforesaid. 22 V., c. 63, s. 35.

Crown may grant such lands, etc.

3. SPECIAL GRANTS OF SCHOOL SITES.

95. In case any persons residing in Ontario, interested in any school established in any city, town, village, or township therein, whether as parents of children frequenting such schools, or as contributors to the same, or both, have occasion, or are desirous to take a conveyance of real property for the use of such schools, such persons may elect from among themselves, and appoint any number of trustees, not exceeding seven nor less than five, to whom, and to whose successors, to be appointed in the manner specified in the deed of conveyance, the real property requisite for such school may be conveyed. 22 V., c. 63, s. 28.

Conveyance of property for school sites to trustees

96. Any such trustees, and their successors in perpetual succession, by the name expressed in such deed, may take, hold, and possess such real property, and commence and maintain any action at law or in equity for the protection thereof, and

Powers of trustees do not extend to public schools,

of their right thereto ; but there shall not be held in trust as aforesaid, more than ten acres of land at any one time, for any one school ; and this section shall not extend to public schools. 22 V., c. 63, s. 28.

Registration
of deed.

97. The trustees shall, within twelve months after the execution of any such deed, cause the same to be registered in the office of the registrar of the county in which the land lies. 22 V., c. 63, s. 29. 5

PART IX.—MISCELLANEOUS PROVISIONS.

1. COLLEGIATE INSTITUTES AUTHORIZED.
2. ALLOWANCE FOR ELEMENTARY MILITARY INSTRUCTION
3. PENALTY FOR DISTURBING HIGH SCHOOLS.

1. COLLEGIATE INSTITUTES AUTHORIZED.

Collegiate
Institutes.

98. And whereas it is desirable to encourage the establishment of superior classical schools, it shall be lawful for the 10 Lieutenant-Governor to confer upon any High School in which not less than four masters are fully employed in teaching the subjects of the prescribed curriculum, and in which the daily average of male pupils studying the Latin or Greek language shall not be less than sixty, the name Collegiate Institute. 15

Grant in
support of
Collegiate
Institutes.

(a.) Towards the support of such Collegiate Institute it shall be lawful for the Lieutenant-Governor to authorize the payment of an additional sum, at the rate of and not exceeding seven hundred and fifty dollars per annum, out of 20 moneys granted for this purpose.

Proviso.

(b.) If in any year the daily average of pupils above described shall fall below sixty, or the number of masters be not less than four, the additional grant shall cease for that year ;

(c.) If the average shall continue to be less than sixty, or the 25 number of masters less than four, for two successive years, the institution shall forfeit the name and privileges of a Collegiate Institute, until restored by the Lieutenant-Governor under the conditions provided by this section. 34 V., c. 33, s. 4 1.

(d.) The provisions of this Act relating to High Schools shall apply to Collegiate Institutes. 37 V., s. 74.

2. ALLOWANCE FOR ELEMENTARY MILITARY INSTRUCTION. 30

Allowance for
elementary
military
instruction.

99. It shall be lawful for the Lieutenant-Governor to prescribe a course of elementary military instruction for High School or Collegiate Institute pupils, and to appropriate out of any money granted for the purpose a sum not exceeding fifty 35 dollars per annum to any school the head-master of which shall have passed a prescribed examination in the subjects of the military course, and in which school a class of not less than five pupils has been taught for a period of at least six months ;

(a.) Such classes and instruction are to be subject to such 40 inspection and oversight as the Lieutenant-Governor may direct. 29 V., c. 23, s. 12.

Inspector not
to hold other
offices.

100. No Inspector of Schools hereafter appointed shall, during his tenure of office, engage in or hold any other employment, office, or calling, which would interfere with the full discharge of his duties as Inspector, as required by law. 37 V., s. 52.

101. No Teacher, Trustee, Inspector, or other person officially connected with the Education Department, the Normal, Model, Public or High Schools, or Collegiate Institutes, shall become or act as agent, for any person or persons, to sell, or in any way to promote the sale, for such person or persons, of any school library, prize or text-book, map, chart, school apparatus, furniture, or stationery, or to receive compensation or other remuneration or equivalent for such sale, or for the promotion of sale, in any way whatsoever. 37 V., s. 72.

No Inspector, Trustee, Teacher, &c., shall act as agent for the sale of books, maps, &c.

3. PENALTY FOR DISTURBING HIGH SCHOOLS.

102. Any person who wilfully interrupts or disquiets any High School or Collegiate Institute established and conducted under the authority of this Act, by rude or indecent behaviour, or by making a noise either within the place where such School is kept or held, or so near thereto as to disturb the order or exercises of the School or Institute, shall, for each offence, on conviction thereof before a justice of the peace, on the affidavit of one credible witness, forfeit and pay for Public School purposes to the School section, city, town or village, within which the offence was committed, such sum not exceeding twenty dollars, together with the costs of conviction, as the said justice may think fit; or the offender may be indicted and punished for any of the offences hereinbefore mentioned as a misdemeanor. 22 V., c. 64, s. 139.

Penalty for disturbing High School.

PART X—REPEALING AND CONFIRMATORY CLAUSES.

103. From and after the passing of this Act, the several Acts passed in the twenty-second year of Her Majesty's reign, chaptered sixty-three, and sixty-four, in the twenty-ninth year of Her Majesty's reign, chaptered twenty-three, and in the thirty-fourth year of Her Majesty's reign, chaptered thirty-three, in so far as they relate to the Council of Public Instruction, to High Schools and Collegiate Institutes, shall be and are hereby repealed.

Repeal of the Acts of 1850, 1859, 1860 and 1871.

(2.) The repeal of the said Acts and parts of Acts shall not revive any Act or provision of law repealed by them; nor shall the said repeal prevent the effect of any saving clause in the said Acts and parts of Acts, or the application of any of the said Acts or of any Act or provision of laws formerly in force, to any transaction, matter or thing anterior to the said repeal, to which they would otherwise apply.

Saving as to transactions anterior to the repeal.

(3.) The repeal of the said Acts or parts of Acts shall not disturb, invalidate, or prejudicially affect any penalty or liability incurred before the time of such repeal, or any proceedings had for enforcing the same, nor any action, suit, judgment, execution, process, order, rule, or any proceeding whatever had respecting the same; nor any office appointment, salary, allowance, security, duty, or any matter or thing appertaining thereto at the time of such repeal; but every such penalty, liability, action, suit, judgment, execution, process, order, rule, office appointment, salary, allowance, security, duty, and every other such matter or thing respectively may and shall, both at law and equity, remain and continue as if no such repeal had taken place.

Certain matter anterior to the repeal not affected by it.

(4.) The law relating to the Council of Public Instruction,

Consolidated
School Act not
to be deemed
a new law.

and to the High Schools or Collegiate Institutes which is consolidated in this Act shall not be held to operate as a new law, but shall be construed and have effect as a consolidation, and as declaratory of the law as contained in said Acts and parts of Acts so repealed, and for which the said Consolidated High School Act of 1874 is substituted. 5

How construed
if in any case
it differ from
the repealed
Acts.

(5.) But if upon any point the provisions of the said Consolidated Act are not in effect the same as those of the repealed Acts and parts of Acts for which they are substituted, then as respects all transactions, matters and things subsequent to the time when the said Consolidated Act takes effect, the provisions contained in it shall prevail, but as respects all transactions, matters and things anterior to the said time, the provisions of the said repealed Acts and parts of Acts shall prevail. 10

As to reference
to repealed
Acts in former
Acts.

(6.) Any reference in any former Act remaining in force, or in any instrument or document to any Act or enactment so repealed, shall, after this Consolidated Act takes effect, be held as regards any subsequent transaction, matter or thing, to be a reference to the enactments in this Consolidated Act, having the same effect as such repealed Acts or enactment. 15 20

Masters and
Teachers de-
fined.

Interpretation

104. In this Act, the words, "legally qualified masters and teachers," and the words, "legally qualified teachers," shall mean any persons (male or female) who possess first, second, or third-class certificates of qualification, or who, under the Grammar or High School, or the Public or Separate School Act, are legally qualified to act as such masters and teachers; but the words shall not be held to apply to persons holding interim certificates from an Inspector, or certificates qualifying senior pupils, or other parties, to act as monitors or assistants. 25 30

SCHEDULE A.

BEING FORM OF VOTING PAPER.

COUNCIL OF PUBLIC INSTRUCTION.

ELECTION OF A MEMBER. 187

I, _____ Inspector of Public Schools,
(Master of [or a Teacher in] the High School or Collegiate
Institute, at _____, or Teacher of [or in] the Public, or
Separate School, in _____ as the case may be), resident
at _____ in the County of _____ do hereby
declare—

1. That the signature affixed hereto is my proper handwriting.

2. That I vote for the following person as a Member of the Council of Public Instruction for Ontario—viz.
in the County of _____

3. That I have signed no other voting paper at this election.

4. That this voting paper was executed by me on the day of the date hereof.

Witness my hand, this _____ day of _____ A.D. 187.

SCHEDULE OF STATUTES Consolidated in this Bill (Council of Public
Instruction, High Schools, &c).

22 VIC., CAP. 63.

22 V., c. 63.	Where in Bill of 1874.	22 V., C. 63.	Where in Bill of 1874.
1	35, 36	24	60, 61
2	effete	25	34, 45, 70
3	35, 36	1	61 (1, 3)
4	60	2	61 (4)
5	effete	3	61 (9, 10, 12)
6	66	4	61 (9, 11)
7	effete	5	47, 61 (5, 6, 7)
8	69, 70	6	48, 61 (6, 8, 9)
9	27 (3), 68	7	63
10	effete	8	61 (13)
11	27 (5)	9	61 (9)
12	27 (3), 61 (10, 12, 13), 71	10	61 (14)
13	effete	26 (in part effete)	27 (4), 31 (31, 32), 84,
14	effete		85, 86
15	27 (2, 3, 5)	27	34
16	47, 48, 61 (6)	28	95, 96
17	41	29	97
18	31 (2)	30	88, 89
19	31 (3, 6, 31)	31	90
20	50	32	91
21	55	33	92
22	56	34	93
23	57, 58, 59	35	94

22 VIC., CAP. 64 (in part).

22 Vic., c. 64.	Where in Bill of 1874.	22 Vic., c. 64.	Where in Bill of 1874.
103 in part effete	29	114	1, 20
104	30	115	31 (21)
106 4	31 (9)	116	26
7	(19)	117	23, 27 (11)
8	(17)	118	21
9	(15a, b)	119	27
10	(10)	1	(1)
11	(8)	2	(11)
12	(14)	3	(12-16)
13	27 (19), 31 (25, 26)	4	(18, 19, 25)
14	31 (16)	5	(19, 24)
15	(13)	6	(28), 80
16	(30)	7	(29)
17	(31)	120 1	(29), 31 (13), 33
18	(20)	2	31 (3, 8, 9, 14, 16)
107	(12)	124	31 (18)
109	32 (4)	128	28 (6)
113	(4a)	139	102

23 VIC., CAP. 49 (in part).

23 Vic., c. 49.	Where in Bill of 1874.	—	—
14	32 (2)		
23	32 (3)		

SCHEDULE OF STATUTES Consolidated in this Bill (Council of Public Instruction, High Schools, &c.)—Continued.

29 VIC., CAP. 23.

29 Vic., c. 23.	Where in Bill of 1874.	29 V., c. 23.	Where in Bill of 1874.
1	42, 50, 51, 57, 61 (6)	8	35
2	52, 55, 56, 57, 58, 59	9	effete
3	60, 61 (6, 13)	10	31 (32), 72
4	87	11	27 (4), 49 (32), 61 (10),
5 (amended)	63	12	12), 84, 85, 86
6	27 (3), 31 (4), 44, 61 (13),	13	99
7	70, 71	14	effete
	36 (1, 4), 40, 66, 67, 69,	15	effete
	71		103

34 VIC., CAP. 33 (in part).

34 Vic., c. 33.	Where in Bill of 1874.	34 Vic., c. 33.	Where in Bill of 1874.
6	42, 49	37	27 (3), 31, 40, 61 (13),
7	27 (20, 21)		66, 71
12	27 (22, 23)	38 (amended)	27 (7, 8), 64, 65
27	32 (4), 73	39	27 (5)
33	50	40	33, 34, 38, 39, 41, 46
34	27 (2), 28 (5), 60, 61 (10,	41	98
	12)	44	83
35	35, 36, 40, 61 (12)	45	49
36	44, 45, 46, 47, 57, 58, 61		
	(6, 9), 65, 66, 70		

36 VIC., CAP. 48 (in part).

36 Vic., c. 48.	Where in Bill of 1874.	36 Vic., c. 48.	Where in Bill of 1874.
383 5	47 (2)	383 (8)	47 (5)
6	(3)	(9)	(6)
7	(4)		

37 VIC., BILL No. 3.

37 Vic., No. 3.	Where in Bill of 1874.	37 Vic., No. 3.	Where in Bill of 1874.
1	1	10	14
3	1, 6	11	15, 63
3	10, 31 (22)	12	16, 17, 63
4	7	13	18, 27
5	8	14	19
6	9	15	2
7	11	16	4
8	12	17	5
9	13	18	-1, 6, 27 (24)

SCHEDULE OF STATUTES Consolidated in this Bill (Council of Public Instruction, High Schools, &c.)—Continued.

37 VIC., BILL No. 3.—Continued.

37 Vic., No. 3.	Where in Bill of 1874.	37 Vic., No. 3.	Where in Bill of 1874.
19	28 (2)	48	in Public School Bill
20	28 (3), 32 (1)	49	81
21	22	50	83
22	25	51	in Public School Bill
23	24	52	100
24	28 (4), 72	53 to 62	in Public School Bill
25	62	63	27 (7)
26	65	64	27 (23)
27	27, 49 (24), 64	65	in Public School Bill
28	not passed	66	74
29	31 (7), 37, 40, 43, 45, 49,	67	27 (22)
	54	68	27 (17), 31 (12)
30	63	69	26, 27, 31 (26)
31 to 43	in Public School Bill	70	31 (27, 28)
44	27 (28), 63, 75, 80	71	31 (9, 29)
45	76	72	101
45a	77	73	in Public School Act
46	78	74	98
47	79	75	103

BILL.

An Act to amend and consolidate the Law relating to the Council of Public Instruction, the Normal Schools, Collegiate Institutes and High Schools.

1st Reading, 11th March, 1874.

Hon. Attorney-General Mowat.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

BILL.

No. 139.]

[1874.

An Act to regulate public aid to Charitable Institutions.

WHEREAS it is desirable and expedient that all appropriations from the public funds in aid of charitable institutions should be made upon some properly arranged and equitable system, and that municipal and other corporations, as well as private individuals, should be stimulated and encouraged to give a liberal support to such institutions: Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

10 1. This Act may be known and cited as "The Charity Aid Act, 1874."

2. From and after the thirty-first day of December, in the year of our Lord one thousand eight hundred and seventy-four, aid from the public funds or moneys of this Province, shall be given to charitable institutions hitherto receiving public aid, and named in Schedules A, B and C, upon the terms and under the provisions of this Act. Aid to be given to certain charitable institutions.

3. In case of public moneys being appropriated for the purposes of this Act by the Legislative Assembly, every institution named in said Schedules complying with the requirements of this Act, and of all orders made hereunder by the Lieutenant-Governor in Council, shall, from and after said thirty-first day of December, receive in each year aid from such moneys to the extent and amount following, that is to say:— Amount of aid.

25 (a) Every institution named in said Schedule A shall so have and receive *twenty* cents for each day's actual treatment and stay of every patient admitted to, or being within such last-mentioned institution during the calendar year next preceding the year for which such aid is given;

30 (b) Every institution named in said Schedule B shall so have and receive *five* cents for each day's actual lodgment and maintenance therein of any indigent person during the calendar year next preceding that for which such aid is given;

35 (c) Every institution named in said Schedule C shall so have and receive one and a-half cents for each day's actual lodgment and maintenance therein of any orphan or neglected and abandoned child, during the calendar year next preceding that for which such aid is given.

4. In every year as aforesaid, every such institution shall also be entitled to have and receive from such public funds further aid to the extent and amount following, that is to say:— Further aid.

(a) Every institution named in Schedule A, ten cents;

- (b) Every institution named in Schedule B, two cents ; and
 (c) Every institution named in Schedule C, one-half cent,
 for every such day's actual stay and treatment, or lodgment
 and maintenance of any patient or person therein, as aforesaid :
 Provided always that the aggregate amount of such further aid,
 at the rate aforesaid, does not, in any one year, exceed one-fourth
 of the entire moneys received by such institution in said pre-
 ceding year from all sources other than the Province, towards
 the ordinary yearly maintenance thereof, and in every such case,
 where said further aid in the aggregate would so exceed said
 one-fourth of said last-mentioned moneys, there shall be sub-
 stituted and given, in lieu thereof, from the public moneys so
 appropriated a sum equal to the said one-fourth of said last-men-
 tioned moneys.
- 5.** In calculating the amount of aid so to be given under
 this Act to any such institution as aforesaid, the day of depar-
 ture of any such patient or person from any such institution
 shall not be counted or reckoned.
- 6.** The Treasurer of the Province, with the authority of the
 Lieutenant-Governor in Council, may, from any moneys appro-
 priated for that purpose by the Legislative Assembly, advance
 and pay by such periodical payments in every year as the Lieuten-
 ant-Governor in Council deems fit, to any institution entitled
 to receive aid under this Act all sums to which such institution
 may be so entitled ; but if in any year the aggregate aid payable
 under this Act exceeds the amount of the moneys so appropri-
 ated, then every such institution shall in any such year receive
 by way of aid as aforesaid, such sum only as will bear the same
 proportion to the amount of aid which but for this section it
 would receive, as the amount of moneys so appropriated bears
 to such aggregate aid as aforesaid.
- 7.** The Lieutenant-Governor in Council may, by Order in
 Council, direct that any institution (naming it) similar to those
 named in either of said schedules, shall be thereafter taken as
 named in such one of said schedules as in that behalf is spe-
 cially designated in such order ; and thereupon and thereafter
 said last-mentioned institution shall receive aid under this Act
 after the manner and to the same extent as the other institu-
 tions now named in said last-mentioned schedule : Provided
 always that no such Order in Council shall be made except
 upon report of the Inspector hereafter named to and for the in-
 formation of the Lieutenant-Governor in Council, showing that
 the institution named in such order has all the usual and proper
 requirements for one of its nature and objects, and that for reasons
 therein stated, the same ought to be aided under this Act ; and
 provided, moreover, that every such Order in Council shall, as
 soon as conveniently may be after the making thereof, be laid
 before the Legislative Assembly for its ratification or rejection,
 and that no such order shall be operative unless and until the
 same shall have been ratified by a resolution of said Legislative
 Assembly.
- 8** If there be a residue of the moneys so appropriated, be-
 cause of the same being more than sufficient to pay the sums
 payable to the said institution as aforesaid, then every of the
 said institutions named in said schedules, which may not be
 entitled to receive under the foregoing provisions the sum set

Proviso—
Limit of
amount of aid.

How amount
to be calcu-
lated.

Treasurer of
Province to
pay over
amounts.

Proviso in case
aid is in excess
of sum granted

Lieutenant-
Governor in
Council may
name similar
institutions to
those men-
tioned to
receive aid.

Proviso.

Case of a
residue of
appropriation.

opposite its name in said schedules, that being the sum heretofore granted thereto shall receive out of the said residue, such an amount by way of supplementary aid, as will make the total aid under this Act received by such institution equal to the said
 5 sum so set opposite its name, if such residue is sufficient for that purpose, or if insufficient, then such proportion thereof as the said residue will permit of.

9. The Inspector appointed, or to be appointed under the first clause of the "Prison and Asylum Inspection Act, 1868,"
 10 shall, by virtue of his office, be the inspector of every institution receiving aid under this Act. Inspector.

10. The Lieutenant-Governor in Council shall from time to time, by Order in Council, fix and direct the particulars to be contained in, and the form, manner and time of making such return or returns as to the Lieutenant-Governor in Council may,
 15 for the due carrying out of the provisions of this Act, seem proper with regard to any such institution, and, by like Order in Council, shall fix and direct the form and manner of oath (if any) required for the verification of any such return, and the
 20 person by whom such oath shall be made; and any such oath may be taken before and administered by any Justice of the Peace or Commissioner for taking affidavits. Returns.

11. Any person knowingly and wilfully making, or being a party to, or procuring to be made, directly or indirectly, any
 25 false return, either under this Act or any such Order in Council, shall thereby incur a penalty of one thousand dollars, which penalty may be recovered, with costs, by civil action or proceeding, at the suit of the Crown only, in any form allowed by law, and before any Court of the Province having jurisdiction
 30 to the amount of such penalty in cases of simple contract. Penalty in case of false return.

12. The said Inspector shall, from time to time, visit and inspect every such institution, and make all proper enquiries as to the maintenance, management, and affairs thereof; and by examination of the registers and such other means as he may
 35 deem necessary, particularly satisfy himself as to the correctness of any returns made under this Act, or under any Order in Council in that behalf, as aforesaid; upon all which matters he shall make report to the Lieutenant-Governor in Council. Duties of inspector.

13. The Lieutenant-Governor in Council may, by Order in Council, direct that any institution receiving aid under this Act, shall not, after the date of such Order, receive any such aid; and thereupon, and whilst such Order remains unrevoked, such last mentioned institution shall not be entitled to or receive any further aid from the Public moneys of the Province; but upon
 45 report of the said Inspector, disclosing good and sufficient grounds in that behalf, it shall always be competent for the Lieutenant-Governor in Council to revoke any such last mentioned Order by a subsequent Order in Council, and thereafter such institution shall again receive aid under this Act, and shall be subject to all
 50 its provisions, as if the Order in Council firstly in this section mentioned had not been made; and, if at any time, upon report of said Inspector, it shall be found that any institution of the character named in Schedule A, is insufficient, or without the necessary and proper accommodation or requirements for one
Governor in Council may order aid to be discontinued, but upon report of Inspector, order may be revoked.

of its nature and objects, the Lieutenant-Governor in Council shall thereupon make such Order as is firstly in this section mentioned.

Managers of institutions to make by-laws and submit same to Governor in Council.

14. The directors or managers, or other body or persons having the control or management of any such institution named in Schedules A and B shall, within six months after the passing of this Act, enact by-laws or regulations for the government and management of such institution, prescribing the method and terms of admission thereto, and defining and regulating the duties and powers of all officers and servants of such institution, and the salaries (if any) of such officers and servants, and shall immediately thereafter submit such by-laws or regulations to the Lieutenant-Governor in Council for approval, and no such by-laws or regulations shall have force or effect, until the same, upon report of said Inspector, shall be so approved of.

SCHEDULE A.

Toronto General Hospital	\$11,200 00
The City Hospital, Hamilton	4,800 00
Kingston Hospital, Kingston	4,800 00
Hotel Dieu Hospital, Kingston	1,000 00
County of Carleton General Protestant Hospital, Ottawa	1,200 00
The General Roman Catholic Hospital, Ottawa	1,200 00
The General Hospital, London	2,400 00
The General and Marine Hospital, St. Catharines	1,000 00
The Burnside Lying-in Hospital, of Toronto	480 00
The Toronto Eye and Ear Infirmary	1,000 00

SCHEDULE B.

The House of Industry, Toronto	\$2,900 00
The House of Providence, Toronto	1,000 00
The House of Industry and Refuge for Indigent Sick, Kingston	2,400 00
The House of Refuge, Hamilton	720 00

SCHEDULE C.

The Orphans' Home and Female Aid Society, Toronto	\$ 640 00
Roman Catholic Orphan Asylum, Toronto	640 00
The Toronto Magdalen Asylum	480 00
The Girls' Home and Public Nursery, Toronto	320 00
The Boys' Home, Toronto	320 00
The Orphans' Home, Kingston	640 00
The Roman Catholic Orphan Asylum, London	640 00
The St. Mary's Orphan Asylum, Hamilton	640 00
The Hamilton Orphan Asylum	640 00
The St. Patrick's Orphan Asylum, Ottawa	480 00
The Orphans' Home, Ottawa	480 00
The St. Joseph's Orphan Asylum, Ottawa	480 00
The Magdalen Asylum, Ottawa	480 00

No. 139.

3rd Session, 2nd Parliament, 37 Victoria, 1874.

BILL.

An Act to regulate Public Aid to Charitable
Institutions.

First Reading, 12th March, 1874.

Hon. Mr. FRASER.

TORONTO:

PRINTED BY HUNTER, ROSE & CO.

No. 140.]

BILL.

[1874.

An Act to provide for Compulsory Voting at Elections.

HER Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

1. Every person entitled to vote and not excused from voting
5 shall vote at every election of a Member of the House of As-
sembly for the Province of Ontario, for the electoral division in
which he resides. Every voter to be compelled to vote.
2. Any person who is sick, and any person who is absent
from the electoral division in which he resides at the time of
10 the election, on business of a pressing nature, shall be excused
from voting. Persons excused.
3. Any person who violates this Act shall forfeit the sum
of twenty dollars. Penalty for not voting.

No. 140.

3rd Session 2nd Parliament, 37 Victoria, 1874.

BILL.

An Act to provide for Compulsory Voting
at Elections.

1st Reading, 13th March, 1874.

Mr. BETHUNE.

TORONTO :

PRINTED BY HUNTER, ROSE & Co.

An Act respecting Voters' Lists.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

1. To prevent the creation of false votes: where any person claims to be assessed, or claims that any other person should be assessed, as owner or occupant of any parcel of land, or as possessing the income which may entitle him to vote in the municipality at an election for the Legislative Assembly, and the assessor has reason to suspect that the person so claiming, or for whom the claim is made, has not a just right to be so assessed, it shall be the duty of the assessor to make reasonable enquiries before assessing such person.

Assessor to make enquiries before assessing persons claiming to be assessed.

2. In the alphabetical list or lists of persons appearing by the assessment roll to be entitled to vote in a municipality or in each of its sub-divisions (as the case may be), being the list or lists required to be prepared under the seventh section of the Election Act of 1868, if the qualification is in respect of income, the clerk shall, in the proper list, state that fact, and the place at which the voter resides in the municipality.

Clerk to state in list of voters persons qualified by income.

3. Immediately after the clerk has made the said alphabetical list, he shall cause a sufficient number of copies of said list to be printed, and shall cause one of such printed copies to be posted up, and to be kept posted up in some conspicuous place in his own office; and shall forthwith also deliver, or transmit by registered letter, two of such copies to each of the following persons, that is to say :

Copies of list to be printed.

Copies to be posted in clerk's office, and copies to be sent to certain persons.

Every member of the municipal council of the municipality except the reeve;

Every teacher of a Public School in the municipality,

Every post-master in the municipality;

The treasurer thereof;

The sheriff of the county;

The county judge, or each of the county judges in case there shall be more than one county judge in the electoral division;

The clerk of the peace.

(2) And the clerk of the municipality shall forthwith also deliver or transmit, by registered letter, ten of such copies to each of the following persons, that is to say :

The Member of the House of Commons, and the Member of the Legislative Assembly for the Electoral Division, respectively, in which the municipality lies;

The unsuccessful candidate, or each of the candidates (as the case may be), for whom votes were given at the then last election of a member for the House of Commons, and for the Legislative Assembly, respectively.

(3) Upon each of the copies so sent to each person, shall be a printed or written certificate, over the name of the clerk, stating that such list is a correct list of all persons appearing by the assessment rolls of the municipality entitled to vote at elections for members of the Legislative Assembly; and also stating the date upon which a copy of such list was first posted in the clerk's office; and further calling upon all electors to examine the said list, and, if any omissions or other errors are perceived therein, to take immediate proceedings to have the said error corrected according to law. 5 10

(4) The sheriff shall immediately upon the receipt of his copies cause one of them to be posted up in a conspicuous place in the court house; the clerk of the peace, upon receipt of his copies, shall cause one of them to be posted in a conspicuous place in his office; every public teacher shall in like manner post up one of his copies on the door of his school-house, and every post-master shall post up one of his copies in his post-office. 15

4. The Clerk shall also forthwith cause to be inserted in some newspaper, published in the Municipality, or in case no newspaper is published in the Municipality, then in some newspaper published in the Municipality next thereto, or in the County Town, a notice, signed by him, stating the date of the first posting up of the said list in his office. One insertion of such notice shall be sufficient 20

Revision of
list.

5. The said list of voters shall be subject to revision by the county judge, at the instance of any voter or person entitled to be a voter, on the ground of names of voters being omitted from the list, or being wrongly stated therein, or of names of persons being inserted on the list who are not entitled to vote; and upon such revision, the assessment roll shall not be conclusive evidence in regard to any particular, whether the matter on which the right to vote depends had or had not been brought before the Court of Revision, or had or had not been determined by that court; and the decision of the judge under this Act, in regard to the right of any person to vote, shall be final so far as regards such person. 25 30 35

Proceedings
by person com-
plaining of er-
ror in the list.

6. A person complaining of any error in the said list shall, within thirty days after the clerk has posted the said list in his office, and transmitted or delivered the said copies, give to the clerk of the municipality a written notice of his complaint and intention to apply to the judge in respect thereof; and the proceedings thereafter by the clerk, judge, and parties respectively, and the respective powers and duties of the judge, clerk, and other persons, shall be the same, or as nearly as may be the same, as in the case of an appeal from the Court of Revision; but no deposit shall be required to be made before any such complaint is heard or disposed of. 40 45

List confirmed
if no complaint
within 30 days
from first post-
ing.

7. In case no complaint respecting such list is received by the clerk of the municipality within thirty days after the first posting up of the same, the clerk shall apply to the judge to certify one of the copies received by the judge as being the revised list of voters for the municipality; and a duplicate of the list shall be retained by the judge; and the certified copy shall be delivered to the clerk of the municipality, to be kept by him among the records of his office. 50 55

8. Any party may obtain from the County Court a subpoena requiring the attendance at the court for hearing complaints as aforesaid, at the time mentioned in such subpoena, of a witness residing or served with such subpoena, in any part of this Province, and the witness shall obey such subpoena, provided the allowance for his expenses according to the scale allowed in Division Courts is tendered to him at the time of service; and any person complaining, or any person in respect of the insertion or omission of whose name a complaint is made, shall, if resident within the municipality, upon being served with a subpoena, obey the same without being tendered or paid any allowance for his expenses. If any person whose right to be a voter is the subject of inquiry, does not attend in obedience to such subpoena, the judge may, if he thinks fit, on the ground of the non-attendance of such person, strike his name off the list of voters, or refuse to place his name on the list of voters, as the case may require, or impose a reasonable fine on such person according to his discretion.

Compelling attendance of witnesses on revision of list.

9. Immediately after the list has been finally revised and corrected as aforesaid, the judge shall make in writing, and sign, a statement, in duplicate, setting forth the changes, if any, which he has made in the list; and shall in open court certify a corrected copy of the list, and deliver a correct copy to the clerk of the municipality; and the latter shall forthwith transmit to the clerk of the peace a copy of the said corrected list, accompanied with the proper oath or affirmation of the correctness thereof, as directed by the said Act. And no person shall be admitted to vote unless his name appears on the last list of voters made, certified, and delivered to the clerk of the peace at least one month before the date of the writ to hold the election; and no question of qualification shall be raised at any such election, except to ascertain whether the party tendering his vote is the same party intended to be designated in the alphabetical list as aforesaid.

After final revision, judge to make statement of alterations made and certify a correct copy of list.

Who may vote.

10. In case of errors being found in the said voters' list on the said revision thereof, whether such errors are in the omission of names, the inaccurate entry of names, or the entry of names of persons not entitled to vote; if it appears to the judge that the assessor was blamable for any of the said errors, the judge shall order the assessor, either alone or jointly with any other person, to pay all costs occasioned by the same; and in case of errors for which the clerk was to blame, the clerk, either alone or jointly with any other person, shall be charged with the costs; and in case of errors of the Court of Revision, the municipality shall, either alone or jointly with any person, pay the costs, subject to any claim which the municipality may justly have against the guilty parties; or the judge may order the assessor, clerk or municipality in any such case, to pay the costs, if any party fails to recover the same from any other party named and ordered to pay the same; and in all cases not herein provided for, the costs shall be in the discretion of the judge.

Costs occasioned by errors may be ordered to be paid by guilty parties.

11. If a person not assessed, or not sufficiently assessed, shall be found entitled to vote, the municipality shall be entitled to recover taxes from him, and to enforce payment thereof by the same means and in the same manner as if he had been assessed

Persons whose names omitted from roll and inserted on revision, liable to pay taxes.

on the roll for the amount found by the judge; and the judge shall make an order, setting forth the names of the persons so liable, and the sum for which each person should have been assessed, and the land or other property in respect of which the liability exists; and such order shall be transmitted to the clerk of the municipality, and shall have the same effect as if the said particulars had been inserted on the roll. 5

Penalty for errors or omissions.

12. For every name erroneously inserted in or omitted from any list of voters, or duplicate required under this Act, the clerk offending shall pay and forfeit to any person who may sue therefor, the sum of ten dollars, and shall also pay to any person applying to the judge to have any such error corrected, the costs incurred by him in respect thereof; and the payment of the penalty imposed by this section shall not relieve the clerk from any additional penalty attaching to any wilful and wrongful act. 15

Assessor wilfully inserting or omitting names, penalty

13. Any Assessor who wilfully and improperly inserts any name in the assessment roll, or assesses any person at too high an amount, with intent in either case to give to any person not entitled thereto an apparent right of voting at any election, or who wilfully inserts any fictitious name in the assessment roll, or who wilfully and improperly omits any name from the assessment roll, or assesses any person at too low an amount, with intent in either case to deprive any person of his right to vote, shall, upon conviction thereof before a court of competent jurisdiction, be liable to a fine not exceeding two hundred dollars, and to imprisonment until the fine be paid, or to imprisonment in the common gaol of the county or city, for a period not exceeding six months, or to both such fine or imprisonment, in the discretion of the court. 20 25 30

Colourable transfer of property to convey vote.

14. No person shall make, execute, accept or become a party to any lease, deed, or other instrument, or become a party to any verbal arrangement, whereby a colourable interest in any land, house or tenement is conferred, in order to qualify any person to vote at an election; and any person violating the provisions of this section, besides being liable to any other penalty prescribed in that behalf, shall pay and forfeit the sum of one hundred dollars with costs of suit, to any person suing therefor in any court of competent jurisdiction; and any person who induces, or attempts to induce another to commit an offence under this section, shall incur a like penalty. 35 40

Formal objection not to defeat act.

15. No proceeding under this Act shall be defeated by any formal objection.

When act comes into operation.

16. This Act shall apply to the assessments and voters' lists of the present year as well as afterwards. 45

BILL

- An Act to incorporate the Municipality of Haliburton, and to provide for its becoming a Provisional County.

HER Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Formation of
municipality;
of district of
Haliburton.

- 5 1. The Townships of Lutterworth, Anson and Hindon, in the County of Victoria, the Townships of Snowdon, Glamorgan, Monmouth, Cardiff, Minden, Dysart, Dudley, Harcourt, Stanhope, Guilford, Harburn and Bruton, in the County of Peterborough, and the Townships of Sherborne,
10 Havelock, Eyre, Clyde, McClintock, Livingstone, Lawrence and Nightingale, in the temporary judicial District of Nipissing, are hereby erected into a municipality to be called "The Municipality of the District of Haliburton."

- 15 2. Subject to the condition and limitation hereinafter mentioned, the inhabitants of the said municipality shall be, and become erected into a municipal corporation to be called "The Municipal Corporation of the District of Haliburton," and the said municipality and the council thereof shall have and possess all the rights, powers, liabilities and incidents of a
20 county corporation and county council for the purposes in this section mentioned, and not otherwise, and the Municipal Law and Statutes of Ontario, applicable to counties and county councils, and the members of such councils, including the proper conduct of the meetings of council, the election of a warden, the
25 appointment of other necessary officers and servants, and the duties of such warden, members, officers, and servants, so far as may be required to enable such municipality or any portion thereof, to grant a bonus or bonuses to aid any railway company in the construction of whose road such municipality, or such
30 portion, may be interested, and also to issue debentures therefor, and to raise by taxation within such municipality or such portion thereof, the necessary funds to meet the debentures, shall apply to the said municipality of the district of Haliburton, and to the council, warden, members, officers, and servants thereof, unless when inconsistent with this Act.

Corporation
formed,
powers,
officers, &c.

- 35 3. It shall be the duty of each of the township councils within the said municipality, and of the council of the United Counties of Burleigh, Anstruther, Chandos, Cardiff and Monmouth, respectively, within six weeks of the passing of this Act,
40 to appoint some convenient day, within three months after the passing of this Act, for the purpose of taking a vote of the rate-payers of the several townships within their respective juris-

Vote as to
ormation of
provisional
county, and
the county to
which to
be united for
judicial
purposes.

dictions, and being also within the said municipality, upon the question of the formation of a provisional county, and as to the county to which the municipality shall be united for judicial purposes; which vote shall be taken at the same places, in the same manner, and by the same officers as votes are taken for the election of councillors, and shall be recorded in books prepared for that purpose, each voter in favour of such separation voting "yea," and each voter against such separation voting "nay." Each voter, whether voting yea or nay, shall also state whether he prefers a judicial union with Peterborough or with Victoria, or if he has no preference, shall state the fact, and such statement shall be recorded in like manner, and in separate columns. At least ten days' notice of the time appointed for taking the said vote shall be previously given in at least ten public places in each municipality. It shall not be necessary that the same day be appointed for voting in the different municipalities.

Return of poll books.

4. The returning officers to take such votes for the respective municipalities shall, within ten days thereafter, return their poll books verified under oath to the Provincial Secretary for the information of the Lieutenant-Governor.

Formation of provisional county or territorial district, and annexation.

5. If it shall appear that a majority of the ratepayers voting at the said polling, have recorded their votes in favor of the formation of a provisional county, the Lieutenant-Governor may issue his proclamation declaring that from and after a time to be named in the said proclamation, the said townships shall be a provisional county, and the inhabitants thereof a provisional county corporation, and the proclamation shall also name a time and place at which the first meeting of the provisional county council shall be held. If it shall appear that the majority aforesaid have recorded their votes against the formation of a provisional county, the Lieutenant-Governor may issue his proclamation declaring that from and after a time to be mentioned therein, the said townships shall be a territorial district. In either case, the Lieutenant-Governor, by his said proclamation shall, in accordance with the result of the polling, attach the district or provisional county, as the case may be, to the County of Peterborough, or the County of Victoria.

Detachments of certain townships on formation of provisional county.

6. If the said municipality is formed into a provisional county, then in case it is united, for judicial purposes with the County of Peterborough then the Townships of Lutterworth, Anson and Hindson shall become detached for all purposes from the County of Victoria; but in case the said provisional county is united, for judicial purposes, with the County of Victoria, then the Townships of Snowdon, Glamorgan, Monmouth, Cardiff, Minden, Dysart, Dudley, Harcourt, Stanhope, Guilford, Harburn, and Bruton shall become detached for all purposes from the County of Victoria.

Attachment of territory to counties on formation of territorial district.

7. If the said municipality is formed into a territorial district, the territory within the said district now attached for municipal purposes to the Counties of Peterborough and Victoria respectively shall for such purposes remain attached to such counties, but shall for all judicial purposes, except those herein otherwise provided for, be and form part of the county to which the municipality is by the said proclamation attached.

8. Upon such district or provisional county being formed, or upon the Lieutenant-Governor issuing his proclamation, declaring that this section shall go into effect, the townships of Cardiff and Monmouth now united with the townships of Burleigh, Anstruther, and Chandos, shall become separated therefrom, and the Township of Glamorgan shall become separated from the Township of Snowdon, and the said Townships of Glamorgan, Cardiff, and Monmouth shall form a separate municipality under the name of the United Townships of Glamorgan, Cardiff and Monmouth, and the election for the first Council thereof shall be held at such times and places and by such returning officer as the Lieutenant-Governor by his proclamation shall appoint.

United Townships of Glamorgan, Cardiff and Monmouth.

Election of first council.

9. Upon the formation of the provisional county, all the rights, duties and liabilities of "The Municipal Corporation of the District of Haliburton," shall become the rights, duties and liabilities of the provisional county corporation.

Rights and liabilities of the district of Haliburton transferred.

10. The said provisional county and the corporation and council thereof, shall have and possess respectively, all the rights, powers, liabilities and incidents of a county, county corporation and county council; and the Municipal Law and Statutes of Ontario, applicable to counties, county corporations and county councils, and the members of such councils, shall apply to the said provisional county, unless where inconsistent with this Act.

Rights, liabilities and powers of the provisional county corporation and council.

11. The authority of the corporation of the said district, or of the said provisional county, to grant aid to any railway company is hereby limited to such companies as by their special acts are authorized to apply for such aid, and the same shall be granted under and subject to such authorities and provisions as may be contained in the special Act under which the application is made; Provided that no by-law for granting aid by way of bonus or otherwise to any railway company, shall be valid, unless after one month of its being duly passed according to the Municipal Law, the by-law is approved by the Lieutenant-Governor in Council; Provided also, that it shall not be necessary in any such by-law to set out the amount of rateable property.

Powers to aid railways.

12. The reeves and deputy-reeves of the municipalities within the district or provisional county, shall compose the council thereof; and the meetings of the council shall be held at such place within the county as the Lieutenant-Governor may name as the place where the registry office shall be kept.

Composition and meetings of the council.

13. The said district or provisional County of Haliburton, shall for judicial purposes, not provided for by this Act, be united to, and form part of the County of Peterborough, or of the County of Victoria, as the Lieutenant-Governor may, by his proclamation in manner aforesaid, declare; and the various provisions of the law as to the holding of courts, except division courts, and as to the officers of such courts, and respecting judicial process and proceedings, including the selection of jurors, applicable to unions of counties, shall apply to the said judicial union unless where inconsistent with this Act.

Annexation for certain judicial purposes to county of Peterborough or Victoria.

14. Justices of the peace heretofore appointed for the County of Peterborough, for the County of Victoria, or for the District of

Justices of the peace.

Nipissing, respectively, who at the time of the formation of the district or provisional county reside within the district or provisional county of Haliburton, shall thereafter be justices of the peace for the district or provisional county of Haliburton, and shall not act as justices of the peace for the County of Peterborough, or Victoria, or for the District of Nipissing, except that the justices of the peace of the county to which the district or provisional county may be attached, shall thereafter, when sitting in the General Sessions of the Peace, have jurisdiction in Haliburton; and save as aforesaid, no justice of the peace of either of the said Counties of Peterborough or Victoria shall, as such, have any jurisdiction within Haliburton. The justices of the peace for Haliburton shall be entitled to sit in the general sessions, held for the said judicial union.

Stipendiary
magistrate,
powers, resi-
dence, qualifi-
cation.

15. The Lieutenant-Governor may from time to time appoint in and for the said district or provisional county, a fit and proper person to be stipendiary magistrate thereof, who shall hold office during pleasure, and exercise within such district or provisional county the magisterial, judicial and other functions herein expressed or provided for, and who shall reside in such place within the said district or provisional county, as the Lieutenant-Governor may direct, and it shall not be necessary for the said magistrate to possess any property qualification.

Oath of sti-
pendiary
magistrate.

16. The oath to be taken by the stipendiary magistrate, in addition to his oath of office as a Justice of the Peace, shall be as follows:

"I (A. B.) do swear that I will truly and faithfully execute "without fear, without favour and without malice, the several "powers, duties and trusts committed to, or required of me by "the Act to provide for the organization of the territorial dis- "trict (or Provisional County) of Haliburton, so help me God."

Erection of
gaol.

17. The Lieutenant-Governor may from time to time direct a suitable building to be provided by the Commissioner of Public Works, in the said district or provisional county, for the safe custody of prisoners charged with crime or convicted of any offence: and the building so provided shall be deemed the common gaol of the judicial union, and of the said district or provisional county for the safe custody of persons, charged or convicted as aforesaid, before any justice of the peace of the said district or provisional county; but offenders, fully committed for trial, for offences for which they cannot be tried by the stipendiary magistrate, or who have been sentenced to confinement for a longer period than one month, shall be committed to and confined in the common gaol of the union at Peterborough or Lindsay, as the case may be, or other lawful prison to which they are sentenced, and the commitment or sentence shall be an authority to the gaoler of the common gaol, in the said district or provisional county, to detain any offender mentioned therein, until he is removed to the gaol at Peterborough or Lindsay, or other lawful prison; but an offender, whose removal to another gaol or prison is required, shall not be detained in the gaol in Haliburton an unreasonable time, regard being had to the season of the year, and the practicability of travelling at the time of his commitment or sentence. A commitment to either of such gaols shall be a sufficient authority for the detention of a pris-

Certain offend-
ers to be con-
fined in gaol
at Peter-
borough or
Lindsay.

oner in the gaol to which he ought to have been committed although such gaol is not the gaol expressed in the commitment.

18. The stipendiary magistrate shall have authority to ap-
 5 point a gaoler and such constables as may be necessary ; and the salary of the said gaoler, shall, after the formation of the provisional county, be provided by the Council, subject to the proper proportion thereof being repaid, according to the rule governing in other counties.

Appointment of gaoler and constables ; salary of gaoler.

19. In case the stipendiary magistrate has authority to try
 10 any prisoner confined in the gaol in Haliburton for the offence for which he is committed, he may cause him to be brought before him for trial, or for the purpose of electing whether he shall be tried before him, and may commit him to the gaol at the county town of the union, in the event of his electing not
 15 to be so tried, or may otherwise act, as the case may require.

Trial by stipendiary magistrate, or commitment by him for trial.

20. Where according to the general laws of this Province, an appeal lies from the decision of any justice or justices of the peace, to the general sessions of the peace, such appeal in cases arising in the said district or provisional county shall lie to, and
 20 may be brought before, and heard and determined by the court of general sessions of the peace for the county to which the said territory may be attached, for judicial purposes, as aforesaid, and shall be claimed, and allowed, and prosecuted in the same manner and within the same period as if the same had
 25 arisen within the limits of the said county. No such appeal shall lie from any judgment or decision of the stipendiary magistrate.

Appeal from decision of a justice of the peace.

No appeal from stipendiary magistrate.

21. In case of any instruments mentioned in section seven, of chapter fourteen of the Consolidated Statutes of Upper Canada,
 30 entitled "An Act respecting mortgages and sales of personal property," being, after the said proclamation takes effect, made or executed within the said district or provisional county, or affecting personal property therein, the same shall be registered in the office of the clerk of the county court of the judicial
 35 union : and all returns of convictions required by law to be made by any justice of the peace for the said provisional county shall thereafter be made to the clerk of the peace for the said union.

Registry of chattel mortgages and bills of sale.

Returns of convictions.

22. The Lieutenant-Governor may appoint a registrar of deeds, in and for the said district or provisional county, who
 40 shall hold office during pleasure ; and after the first appointment has been published for one month in the *Ontario Gazette*, such registrar shall register all deeds and other conveyances and instruments relating to lands, situate in any part of the said district or provisional county, and laid out and surveyed by the
 45 Crown ; but until such appointment has been made and published for one month in the *Ontario Gazette*, registrations shall be made as if this Act had not been passed.

Registrar of deeds ; registrations.

23. The said registrar shall keep his office in a place to be named for that purpose in his commission, or at such other
 50 place as may be appointed from time to time by the Lieutenant-Governor in Council ; and his duties shall be the same as the duties of other registrars under the registry laws of this Province ; and his fees shall be the same as those appointed and established by such registry laws.

Registry office, fees, &c.

Transfer of
registry books,
&c., from the
counties of -
Peterborough,
Victoria, and
district of
Nipissing.

24. The registrars of the counties of Peterborough and Victoria and of the District of Nipissing, when thereunto required by the Lieutenant-Governor, shall transfer and deliver to the registrar of the said district, or provisional county, all books, deeds, papers, plans and documents in their possession respectively, as such registrars, referring or relating exclusively to lands within the said district or provisional county; and all the provisions of the registry laws relating to the transfer of books, deeds, memorials, plans, wills, and other documents or instruments from one registry office to another registry office, when a part of a county has been detached therefrom, and set apart for registration purposes, shall apply to the establishment of the said registry office for the said district or provisional county of Haliburton.

Contributions
for expenses
of Court House
gaol or the
County-town
of the Union.
Of administer-
ing justice, &c.

25. After the formation of the provisional county it shall bear and pay to the municipal county of Peterborough or Victoria, as the case may require, its just share of all charges and expenses of repairing and maintaining the Court House and Gaol at the county town of the union, and of the care and maintenance of prisoners, and the other expenses of administration of justice in the same manner as towns separated from the municipal jurisdiction of counties; and the provisions of the municipal law for the determination of the compensation to be paid, which are applicable between counties and separated towns, shall apply to the said municipal county and the said provisional county.

Arbitration as
to contribution.

26. In case the provisional county council, and the county council of Peterborough, or the said provisional council and the county council of Victoria, are unable within six months after the formation of the provisional county, to determine by agreement for the distribution of their respective joint assets and liabilities, the same shall be determined by arbitration in the same manner and subject to the same rules as upon the separation of a junior from a senior county.

Pending judi-
cial proceed-
ings.

27. All judicial proceedings at the time of the formation of the provisional county pending in any portion of the territory comprised within the judicial union, may be proceeded with as if this Act had not been passed.

Stipendiary
Magistrates to
act as Division
Court Judges.

28. The stipendiary magistrate shall act as Division Court Judge of the district or provisional county, and shall have the like jurisdiction and powers as are possessed by county court judges in division courts in counties, and shall perform the like duties.

Division
Courts, limits
of.

29. The division courts wholly within the limits of the district or provisional county shall continue division courts thereof, and territory belonging to a division court not wholly within the district or provisional county, shall continue to belong to such division court until a change is made under the next section.

Power to estab-
lish and alter
divisions of
Division
Courts.

30. The Lieutenant-Governor in Council may divide the district or provisional county into as many division court divisions as he may consider requisite, and may number the same consecutively, and may from time to time alter the number, limits and extent of every such division.

31. A court shall, unless the Governor in Council otherwise direct, be held in every such division once in every three months, or oftener at the discretion of the stipendiary magistrate, who may appoint, and may from time to time alter, ^{Times and places for holding Court in each division.} 5 the times and places within the divisions, when and at which such courts shall be holden, subject to the approval of the Lieutenant-Governor in Council.

32. An appeal shall lie from the decision of the court of revision of any municipality within the district or provisional county of Haliburton to the stipendiary magistrate instead of to the Judge of the County Court; and the stipendiary magistrate shall have the like powers and shall perform the like duties in respect of such appeals as are performed by the County Court Judge in other counties. ^{Appeal from Court of Revision to the Stipendiary Magistrate.} 10

33. The council of the provisional county may acquire the necessary property at any place within the county that the council may determine on which to erect a court house, gaol and registry office, and may erect a court house, gaol and registry office thereon adapted to the wants of the county, and in conformity with any statutory or other rules and regulations respecting such buildings, and may pass by-laws for such purposes. ^{Power to erect Court House gaol and registry office.} 15 20

34. After a sufficient court house, gaol and registry office have been built in such provisional county, the Lieutenant-Governor may, upon application of the council, require for the provisional county the appointment of a judge, and shall appoint a sheriff, a coroner or coroners, a clerk of the peace, a clerk of the county court, a registrar and at least twelve justices of the peace, and shall provide in the commissions that the appointments are to take effect on the day the county of Haliburton becomes disunited from the said judicial union. ^{Power to appoint county judge, sheriff, coroners, clerk of the peace of county court, registrar and justices of the peace.} 25 30

35. After such appointments are made, the Lieutenant-Governor shall, by proclamation, erect the said provisional county into a county, and shall separate the provisional county from the County to which it may be then attached, and shall declare that such separation shall take effect at a day to be named in the proclamation, and on that day the courts and officers of the said union (including justices of the peace) shall cease to have any jurisdiction in the County of Haliburton, subject, however, to the exceptions in the next section continued. ^{Power to erect into a separate county.} 35 40

36. The provisions of law, with reference to judicial proceedings, applicable in the case of a separation of a junior from a senior county, shall apply in the case of the said separation. ^{Judicial proceedings on separation.}

37. This Act shall not affect the present territorial divisions of the Electoral Districts of Peterborough or Victoria for the purpose of representation in the Legislative Assembly. ^{Representation in the Legislative Assembly.} 45

BILL

An Act to incorporate the Municipality of Haliburton, and to provide for its becoming a Provisional County.

1st Reading, 16th March, 1874.

Hon. Attorney-General Mowat.

TORONTO:

PRINTED BY HUNTER, ROSE & CO.

An Act respecting Municipal Drainage By-laws.

Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Every municipal council shall, upon the petition of the majority in number of all the owners, whether resident or non-resident, of the property to be benefited, have the same authority to pass by-laws for the construction of drainage works by local assessment, as they would have upon the petition of the majority in number of the owners shown by the last revised assessment roll to be resident on the property to be benefited.

Powers as to drainage on petition of residents or non-residents.

2. In case any by-law already passed, or which may be hereafter passed by the council of any municipality for the construction of drainage works by assessment upon the real property to be benefited thereby, and which has been acted upon by the construction of such works in whole or in part, does not provide sufficient means for the completion of the works, or for the redemption of the debentures authorized to be issued thereunder as the same become payable, the said council may, from time to time, amend the by-law in order fully to carry out the intention thereof, and of the petition on which the same was founded.

Power to amend by-law when no sufficient means provided for completion of the work.

3. No debenture issued, or to be issued under any by-law aforesaid, shall be held invalid on account of the same not being expressed in strict accordance with such by-law, provided that the debentures are for sums not in the whole exceeding the amount authorized by the by-law.

Debentures not to be invalid though not in accordance with by-law.

4. Any investment heretofore made, or which may be hereafter made by the Lieutenant-Governor in Council in the purchase of debentures issued under any municipal by-law for the construction of drainage works, passed under the authority of the Municipal Law of Ontario, shall stand upon the same footing and be as valid and effectual as if such by-law had been passed under the authority of "The Municipal Drainage Aid Act" of 1873.

Investment in purchase of debentures by Lt.-Governor in Council made valid.

5. The Lieutenant-Governor may, in his discretion, advance the whole par-value of debentures instead of eighty-five per centum merely of such par-value, before the completion of the works.

Lieut.-Governor in Council may advance par value of debentures.

6. Sections one to eighteen inclusive, and also sections twenty-seven and twenty-eight of "The Municipal Drainage Aid Act" of 1873 are hereby repealed; and the proceeding authorized thereby shall hereafter be taken under sections numbered from four hundred and forty-seven to four hundred and sixty-three inclusive, of the Municipal Institutions Act of 1873.

36 V., c. 39, ss. 1 to 18, and ss. 27 28 r.e.aled.

3rd Session, 2nd Parliament, 37 Victoria, 1874.

BILL.

An Act respecting Municipal Drainage By-laws.

First Reading, 16th March, 1874.

HON. MR. MCKELLAR.

TORONTO:

PRINTED BY HUNTER, ROSE & CO.

An Act respecting sales of pine trees by certain settlers in the Free Grant Townships, in the Districts of Muskoka and Parry Sound.

WHEREAS, by an Order of the Lieutenant-Governor in Council, made on the fourth day of October, 1871, the Commissioner of Crown Lands was authorized to give public notice that the Department of Crown Lands would recognize the right of all purchasers or locatees of free grant lands in townships, open for sale and location under the Free Grant and Homestead Act of 1868, in the Districts of Muskoka and Parry Sound, who should have so purchased or located any lot in the said townships, on or before the thirtieth day of September, one thousand eight hundred and seventy-one, and who should on that day have been in the actual occupation of, and resident on the lots located, to sell or dispose of all pine trees, standing or being on the lots located, or purchased and occupied by them subject to the payment to the Crown of certain duties set forth in the said Order; And whereas upon the faith of the said Order in Council, various parties have purchased for valuable considerations from purchasers and locatees, coming within the terms of the said Order, the pine trees standing and being on the lots located and purchased by them; And whereas, doubts are entertained as to the validity of the hereinbefore recited provisions of the said Order in Council, and it is desirable to remove the same;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said Order in Council shall hereafter be held to have conferred upon any locatee or purchaser coming within the terms thereof, a valid and sufficient authority to sell or dispose of any pine trees standing or being upon the lots located, or purchased and occupied by such locatee, or purchaser, subject however, to the payment of duties imposed by the said order.

Authority by Order in Council to dispose of pine trees.

2. Any such sale or disposition by any locatee, or by any locatee or purchaser as aforesaid, made by him subsequent to the thirtieth day of September, one thousand eight hundred and seventy-one, and also any sale or other disposition made by any locatee or purchaser as aforesaid, on or prior to the said thirtieth day of September, and confirmed by him subsequent to the date of the said Order in Council, shall stand upon the same footing as sales or dispositions made subsequently to the date of the said Order are placed by virtue of the preceding section.

Dispositions by locatees or purchasers after or before 30th Sept., 1871, or before confirmed.

3. Nothing herein contained shall affect any action or suit now pending or heretofore decided in any court of law or equity.

Pending suits.

BILL.

An Act respecting the sale of pine trees by certain settlers in the Free Grants Townships, in the Districts of Muskoka and Parry Sound.

1st Reading, 17th March, 1874.

Hon. Mr. PARDEE.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

BILL.

An Act to Amend an Act respecting Municipal Institutions in the Province of Ontario.

HER Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Any territory, which, under the tenth section of the Act 36 Vic., c. 48,
5 respecting Municipal Institutions in the Province of Ontario, passed in the thirty-sixth year of Her Majesty's reign, and chaptered forty-eight, is detached from one county and annexed to another, shall continue subject to all rates which had been, prior to the separation, imposed for the payment of county debts
10 or for the payment of bonuses or aids, granted by sections of the county to railways, or for the payment of local improvement debts; and the council of the county or of village, as the case may require, shall pass such by-laws, and take such proceedings as may be necessary for levying the said rates; and shall pay
15 over the same when collected to the municipality which is liable for the debt, on account of which the rates were imposed: Provided, this section shall apply to any territory which may be detached from one county and annexed to another, during the present session of the Legislature of Ontario.
2. Section one hundred of the said Act is hereby repealed,
20 and the following is substituted in lieu thereof: Sec. 100, repealed.
(100.) The oaths or affirmations to be required of any person claiming to vote otherwise than in respect of a freehold, shall be as follows, or to such effect:—That he is of the full age of
25 twenty-one years, and is a natural born or naturalized subject of Her Majesty; that he has not voted before at the election in the township, village or ward, (*as the case may be*), in which he is tendering his vote, and (*if tendering his vote for mayor, reeve, or deputy-reeve*;) that he has not voted before or elsewhere in the
30 municipality, for the election of mayor, reeve, or deputy-reeve, (*as the case may be*;) that he has not, directly or indirectly, received any reward or gift, nor does he expect to receive any, for the vote which he tenders at the election; that he has been resident within the municipality for which the election is held
35 for one month next before the election, and that he is, (*or his wife is*), a householder or tenant within such municipality, and that he is the person named or purporting to be named on the list of the electors, and at the time of the last final revision and correction of the assessment roll upon which the list is based,
40 he was actually truly, and in good faith, possessed to his own use and benefit, as tenant or occupant, of the real estate in respect of which his name is entered on the said list; (*or in the case of a new municipality in which there has not been any assessment roll, then instead of swearing to residence for one month next before the election, and referring to the list of electors, the*

Liability of territory detached from one county and annexed to another.

Oaths of voters.

person offering to vote may be required to state in the oath, the property in respect of which he claims to vote ; and that he is a resident of such municipality.)

Sec. 104, re-
pealed.

Nomination
meetings.

3. Section one hundred and four of the said Act is hereby repealed, and the following substituted in lieu thereof :

(104.) A meeting of the electors shall take place for the nomination of candidates for the offices of aldermen in cities, councillors in towns, and of reeves, deputy-reeves, and councillors in townships not divided into wards, and incorporated villages, at noon, on the last Monday in December, annually, at such place therein, and in cities and towns, at such places in each ward thereof, as shall from time to time be fixed by by-law, and the deputy-reeves shall be designated as first, second, third ; according to the number to be elected ; provided that in townships divided into wards, the nomination of candidates for the office of reeve, shall be held at ten of the clock in the forenoon, at such places in such township as shall from time to time be fixed by by-law, and the clerk shall preside at the meeting for the nomination of candidates for the office of reeve, and that the nomination of candidates for the office of councillor, to be elected in each ward, shall take place at noon, at such place in the township or in each ward as shall be fixed by by-law.

Sec. 107, re-
pealed.

Places for
holding elec-
tions.

4. Section one hundred and seven of the said Act is hereby repealed, and the following substituted in lieu thereof :

(107.) The council shall by by-law, fix the places for holding the election, and also name the returning officers who shall respectively hold the nomination for each ward, and those who shall preside at the respective polling places.

Quo warranto
proceedings.

5. In the event of any member of any municipal council forfeiting his seat at the council or his right thereto, or of his becoming disqualified to hold his seat, or of his seat becoming vacant by disqualification or otherwise, and of his refusing or omitting to vacate or surrender such seat at any trial after his election, proceedings by *quo warranto* to unseat any such member, as provided by the said Municipal Act for the trial of controverted elections, sections one hundred and thirty-one to one hundred and fifty-two both inclusive, may be had and taken, and such sections shall, for the purpose of such proceedings, apply to any such forfeiture, disqualification, or vacancy.

Sec. 231, sub.
2, repealed.

6. Sub-section two of section two hundred and thirty-one of the said Act, is hereby repealed, and the following substituted in lieu thereof, and shall be read as sub-section two of section two hundred and thirty-one of said Act :

By-law requir-
ing assent of
electors to be
published.

(231.) (2.) The Council shall, before the final passing of the proposed by-law, publish a copy thereof in some public newspaper published within the municipality, or, if there is no such newspaper, in some public newspaper published nearest the municipality, or in the county town, the publication to be continued in at least one number of such paper for three successive weeks, and shall also put up a copy of the by-law at four or more of the most public places in the municipality.

Sec. 237 re-
pealed.

7. Section two hundred and thirty-seven of the said Act is hereby repealed, and the following substituted in lieu thereof :

(237.) Every promulgation of a by-law shall consist in the publication, through the public press, of a true copy of the by-law, and of the signature attesting its authenticity, with a notice appended thereto of the time limited by law for applications to the courts to quash the same or any part thereof; and the publication aforesaid shall be in a public newspaper published within the municipality, or, if there be no such newspaper, then in the public newspaper published nearest the municipality, or in the county town; and the publication shall, for the purpose aforesaid, be continued in at least one number of such paper for three successive weeks.

Promulgation
of by-laws.

8. Section two hundred and fifty-two of the said Act is hereby repealed, and the following substituted in lieu thereof:

Sec. 252 re-
pealed.

(252.) No such by-law of a County Council for contracting any such debt or loan for an amount not exceeding in any one year twenty thousand dollars, over and above the sums required for its ordinary expenditure, shall be valid, unless the same is passed at a meeting of the Council specially called for the purpose of considering the same, and held not less than three months after a copy of such by-law, as the same is ultimately passed, together with a notice of the day appointed for such meeting, has been published in some newspaper issued weekly or oftener within the county, or if there be no such public newspaper, then in a public newspaper published nearest to the county, which said notice may be to the effect following:—

By-law not to
be valid,
unless passed
at meeting
specially called
and held three
months after
notice, &c.

The above is a true copy of a proposed by-law to be taken into consideration by the municipality of the county, (or united counties) of _____ at _____ in the said county, (or united counties), on the _____ day of _____, 18____, at the hour of _____ o'clock in the _____ noon, at which time and place the members of the council are hereby required to attend for the purpose aforesaid.

Form of notice.

G. H.
Clerk.

9. Section two hundred and fifty-three of the said Act is hereby repealed, and the following substituted in lieu thereof:

Sec. 253 re-
pealed.

(253.) When part only of a sum of money provided for by a by-law has been raised, the council may repeal the by-law as to any part of the residue, and as to a proportionate part of the special rate imposed therefor, and when any money so raised has not been required to be used for the purpose of carrying out the objects of such by-law, or no debentures have been issued thereunder, the council may repeal such by-law: Provided the repealing by-law recites the facts on which it is founded, and is appointed to take effect on the thirty-first day of December, in the year of its passing, and does not affect any rates due, or penalties incurred before that day, and provided the by-law is first approved by the Governor in Council.

When part
of money
raised is not
required, by-
law may be re-
pealed as to
residue.

Proviso.

10. Section three hundred and thirty-one of the said Act is hereby repealed, and the following substituted in lieu thereof:

Sec. 331, re-
pealed.

(331.) Every other town may, if the Governor in Council sees fit to make such an appointment, have a police magistrate; but no such appointment shall in the first instance be made for a town not having more than five thousand inhabitants, until two-thirds of the members of the council, do in council, pass a re-

Police magis-
trates in
towns.

1
solution affirming the expediency thereof; and the said council
may by such resolution, fix the salary to be paid to such police
magistrate: Provided always that every police magistrate ap-
pointed before the passing of this Act in a town with a less po-
pulation than five thousand, shall not be affected by this sec- 5
tion.

Sec. 333 re-
pealed.

Board of
Commissioners
of Police,
of whom com-
posed.

Powers as to
witnesses.

11. Section three hundred and thirty-three of the said Act is hereby repealed, and the following substituted in lieu thereof:
(333.) In every city there is hereby constituted a board of commissioners of police, and in every town having a police 10
magistrate, the Council may constitute a like board, and such board shall consist of the mayor, the judge of the county courts of the county in which the city or town is situate, and the police magistrate, and in case the office of county judge or that of police magistrate be vacant, the council of the city shall, 15
and the council of the town may, appoint a person resident therein to be a member of the board, or two persons so resident to be members thereof, as the case may require, during such vacancy; and such commissioners shall have power to 20
summon and examine witnesses on oath in all matters connected with the administration of their duties: Provided always that the Council of any such town may at any time, by by-law, dissolve and put an end to the board, and thereafter the Council shall have and exercise all powers and duties previously had or 25
exercised by the board.

Sec. 339 re-
pealed.

Police force.

12. Section three hundred and thirty-nine of the said Act is hereby repealed, and the following substituted in lieu thereof:
(339.) The police force in cities and towns having a board of commissioners of police, shall consist of a chief constable and as many constables and other officers and assistants as 30
the Council from time to time deem necessary, but in cities not less in number than the board reports to be absolutely required.

Sec. 244 re-
pealed.

Constable in
towns.

13. Section three hundred and forty-four of the said Act is hereby repealed, and the following substituted in lieu 35
thereof:

(344.) The Council of every town not having a board of commissioners of police shall, and the Council of every incorporated village may, appoint one chief constable, and one or more con-
table for the municipality, and the persons so appointed 40
shall hold office during the pleasure of the Council.

Dissolution of
Board of
Police Com-
missioners.

14. Wherever in any town there is now a board of commis-
sioners of police constituted under said Act, the Council of said town may by by-law dissolve and put an end to said board, and thereafter the Council shall have and exercise all powers and 45
duties which might, under said Act, have been had or exercised by said board, and unless and until so dissolved and put an end to, the said board shall have and exercise all the powers and duties which, but for the passing of this Act, would have been 50
exercised or had by said board.

Sec. 372, sub.
6, repealed.

15. Sub-section six of section three hundred and seventy-two of the said Act is hereby repealed, and the following substituted in lieu thereof:

(6.) For taking stock in or lending money, or granting bonuses to any incorporated road, bridge, or harbour company, under and subject to the respective statutes in that behalf.

16. Sub section fifteen of section three hundred and seventy-nine of said Act is hereby repealed, and the following substituted in lieu thereof: Sec. 379, sub-15, repealed.

(15.) For preventing the growth of Canada thistles and other weeds detrimental to husbandry, and compelling the destruction thereof, for the appointment of an inspector with power to enforce the provisions of such by-law, for regulating his duties, and for determining the amount of remuneration, fees, or charges he is to receive for the performance of such duties. Prevention of growth of thistles and weeds.

17. Sub-sections twenty-six, twenty-seven, twenty-eight, twenty-nine, and thirty of section three hundred and seventy-nine of the said Act are hereby repealed, and section three hundred and seventy-two of the said Act is hereby amended, by adding thereto the following sub-sections: Sec. 379, sub-ss 26, 27, 28, 29 and 30 repealed.

(20.) For appointing inspectors to regulate weights and measures according to the lawful standard. Sec. 372, amended.

20 (21.) For visiting all places wherein weights and measures, steel yards, or weighing machines of any description are used. Weights and measures.

(22.) For seizing and destroying such as are not according to the standard.

25 (23.) For imposing and collecting penalties upon persons who are found in possession of unstamped or unjust weights, measures, steel yards, or other weighing machines.

(24.) For seizing and forfeiting bread or other articles when of light weight or short measurement.

18. Section four hundred and ten of the said Act is hereby repealed, and the following substituted in lieu thereof: Sec. 410 repealed.

(410.) The County Council shall have exclusive jurisdiction over all roads and bridges lying within any township, town, or village of the county, and which the Council by by-law assumes with the assent of such township, town, or village municipality as a county road, or bridge, until the by-law has been repealed by the Council, and over all bridges, across streams separating two townships in the county, and over all bridges crossing streams or rivers over one hundred feet in width, within the limits of any incorporated village in the county, and **40** connecting any highway leading through the county, and over every road or bridge dividing different townships, although such road or bridge may so deviate as in some places to lie wholly, or in part, within one township. Jurisdiction of County Councils over roads and bridges.

19. Section four hundred and twelve of the said Act is hereby repealed, and the following substituted in lieu thereof: Sec. 412, repealed.

(412.) When a county council assumes by by-law, any road or bridge, within a township as a county road or bridge, the council shall, with as little delay as reasonably may be, and at the expense of the county, cause the road to be planked, gravelled, or **50** macadamized, or the bridge to be built in a good and substantial manner; and further, the county council shall cause to be built and maintained in like manner, all bridges on any river or stream over one hundred feet in width, within the limits of any incorporated village in the county, necessary to connect any **55** public highway leading through the county. Roads or bridges assumed by county councils.

Sec. 413, repealed.

Bridges between municipalities.

20. Section four hundred and thirteen of the said Act is hereby repealed, and the following substituted in lieu thereof:

(413.) It shall be the duty of county councils to erect and maintain bridges over rivers, forming or crossing boundary lines between two municipalities (other than in the case of a city or separated town) within the county, and in case of a bridge over a river or crossing a boundary line between two counties, or a county and a city, such bridge shall be erected and maintained by the councils of the counties or county and city respectively; and in case the councils of such county and city, or the councils of such counties fail to agree on the respective portions of the expense to be borne by the several municipalities, it shall be the duty of each council to appoint arbitrators, as provided by this Act, to determine the amount to be so expended, and such award as may be made shall be final. 5 10 15

Sec. 463, repealed.

Drains into adjoining lots or across highways.

21. Section four hundred and sixty-three of the said Act is hereby repealed, and the following substituted in lieu thereof:

(463.) In case any person should find it necessary to continue an under-drain into an adjoining lot or lots, or across or along any public highway, for the purpose of an outlet thereto, and in case the owner of such adjoining lot or lots, or the council of the municipality, refuse to continue such drain to an outlet, or to join in the cost of the continuation of such drain, then the firstly-mentioned person shall be at liberty to continue his said drain to an outlet through such adjoining lot or lots, or across or along such highway; and in case of any dispute as to the proportion of cost to be borne by the owner of any adjoining lot or municipality, the same shall be determined by the fence viewers in the same manner as disputes within the Fence Viewers Act, excepting as to the amount of such award which shall be finally decided by the fence viewers, irrespective of the provisions of section fourteen of said Fence Viewers' Act, and their award shall be final. 20 25 30

Sec. 472, amended.

Aid to railways.

22. So much of section four hundred and seventy-two of the said Act, as authorizes a portion or section of a municipality or a group of municipalities, to aid or assist any railway company, by loan, guarantee, or otherwise, is hereby repealed: Provided always that nothing herein contained shall effect the right of the corporation of any township or union of townships, or of any county or union of counties, or of any municipal corporation, having in this respect the power of a county or of a township corporation, to give aid, or otherwise assist a railway company under the said acts or any of them. 35 40

Sec. 473, repealed.

Manner of submitting by-laws in aid of railways.

23. Section four hundred and seventy-three of the said Act is hereby repealed, and the following substituted in lieu thereof: 45

(473.) Such by-laws shall be submitted in manner following, namely:

(1.) In the case of a county municipality, by the county council, on a petition of a majority of the reeves and deputy-reeves, or of two hundred resident freeholders, who may be duly qualified voters under the Municipal Act; 50

(2.) In the case of other municipalities, by the councils of such municipalities, on the petition of the majority, or of fifty resident freeholders, being duly qualified voters as aforesaid.

No. 145.

3rd Session, 2nd Parliament, 37 Vict., 1874

BILL.

An Act to Amend an Act respecting
Municipal Institutions in the Province of
Ontario.

First Reading, 17th March, 1874.

Hon. Mr. CROOKS.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act respecting the Executive Council.

HER Majesty, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows :—

1. It shall not be necessary that the office of Commissioner
5 of Agriculture and the office of Commissioner of Public Works
shall be held by the same person. Offices of Com-
missioner of
Agriculture
and Commis-
sioner of Pu-
blic Works
need not be
combined.
2. The said office of Commissioner of Agriculture may be
held by a member of the Executive Council holding no other
office, or may be held in connection with any other office held
10 by a member of the Executive Council.
3. Any of the powers and duties which have been heretofore,
or shall be hereafter, assigned by law to any of the Officers now
constituting, or who may hereafter constitute, the Executive
Council may, from time to time, by Order in Council, be assigned
15 and transferred, either for a limited period or otherwise, to any
other of the said officers by name or otherwise. Duties of mem-
bers of Execu-
tive Council
may be assign-
ed to them by
Order in Coun-
cil.

BILL.

An Act respecting the Executive Council.

First Reading, 18th March, 1874.]

Attorney-General MOWAT.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act to provide for the better Government of that part of Ontario, situated in the vicinity of the Falls of Niagara.

WHEREAS, it is necessary for the protection of strangers and other persons visiting the Falls of Niagara, that special provision should be made in order to secure the due and prompt administration of justice in the Town of Clifton and elsewhere in the vicinity of the said Falls:

Preamble.

Therefore Her Majesty, by and with the advise and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Lieutenant-Governor in Council may, from time to time, appoint a fit and proper person to be police magistrate for the Town of Clifton, in the County of Welland.

2. The said police magistrate shall be *ex officio* a Justice of the Peace of and for the County of Lincoln, and of and for the County of Welland, and may exercise within the said counties the jurisdiction and authority of two justices of the peace, but it shall not be his duty, unless he find it convenient so to do, to entertain any complaint except with reference to offences committed within the limits of the Town of Clifton or of the Township of Stamford, and he shall, as far as practicable, give precedence to complaints in which persons residing at a distance are concerned, either as parties or as witnesses, to complaints concerning only persons residing in the neighbourhood.

3. In addition to any other penalty imposed by any statute or by any by-law of the municipality, as a punishment for any offence, the police magistrate shall have authority to inflict as an additional punishment, the revocation, or the suspension for such period as he may consider just, of any license granted or issued by the municipal officers of the said Town of Clifton, or of the said Township of Stamford.

4. The Lieutenant-Governor may appoint as many constables as he may consider requisite for the efficient administration of justice in the neighbourhood of the Falls of Niagara. No such constable shall be entitled to charge any fees whatever for his own use.

5. No appeal shall lie to any court of General Sessions of the Peace, or to any other court, from the conviction or order of the police magistrate, for an offence against any statute of the Legislature of this Province, or against any statute which the said Legislature has jurisdiction to repeal, or for an offence

against a by-law of a municipality when such conviction or order imposes a fine of less than twenty dollars or an imprisonment of less than thirty days.

6. The police magistrate shall keep proper accounts of all fines, penalties, and costs, which may be imposed in the police court of the said town, or which may be elsewhere imposed by him, and shall immediately upon any such fines, penalties, and costs, being collected or received, or at such periods as the Treasurer of Ontario from time to time directs, deposit the amount thereof in such bank as the said Treasurer from time to time directs, to the credit of a fund to be called the "Niagara Falls Police Fund." 5 10

7. The rents and profits of the land along the bank of the River Niagara, including the descent to the foot of the Falls, now held by Her Majesty for the use of the Province, and the said fund, are to be applicable to the payment of the salary of the said police magistrate and the salaries of the said constables, and the other expenses of the administration of justice under this Act, and of otherwise carrying out the provisions of this Act. 15 20

8. The salary of the police shall not exceed a rate of one thousand dollars per annum; and the salary of the constables shall not exceed a rate of forty dollars per month.

9. This Act shall be in force until the end of the next Session of Parliament, and no longer. 25

BILL.

An Act to provide for the better Government of that part of Ontario, situated in the vicinity of the Falls of Niagara.

1st Reading, 20th March, 1874.

Hon. Attorney General MOWAT.

TORONTO:

PRINTED BY HUNTER, ROSE & Co.

An Act for granting to Her Majesty certain sums of money to defray the expenses of Civil Government, for the year one thousand eight hundred and seventy-four, and to provide for certain sums expended for the Public Service in the year one thousand eight hundred and seventy-three.

MOST GRACIOUS SOVEREIGN :—

WHEREAS it appears by Messages from His Excellency the Honourable John Crawford, Lieutenant-Governor of Ontario, and the estimates accompanying the same, that the sums hereinafter mentioned in Schedules "A" and "B" in this Act, are required to defray certain expenses of the Civil Government of this Province, and of the Public Service thereof, and for other purposes, for the year one thousand eight hundred and seventy-four, and to make good certain expenditures made in the year one thousand eight hundred and seventy-three; May it therefore please your Majesty, that it may be enacted, and it is hereby enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, as follows :—

1. From and out of the Consolidated Revenue Fund of this Province, there shall and may be paid and applied, a sum (not exceeding in the whole) of two millions six hundred and twelve thousand two hundred and ninety six dollars and forty-four cents, for defraying the several charges and expenses of the Civil Government of this Province, for the year one thousand eight hundred and seventy-four, as set forth in Schedule "A" to this Act.

\$2612,296.44.
granted out of
Con. Revenue
Fund for
certain pur-
poses.

2. The sum of fifty-nine thousand nine hundred and eighty-two dollars and seventeen cents, shall be charged to the Consolidated Revenue Fund of this Province, to make good payments and expenditures by the Treasurer, on account of the Public Service, as set forth in Schedule "B" to this Act.

\$59,982.17.
charged to
Con. Rev.
Fund, to make
good certain
payments.

3. Accounts in detail of all moneys received on account of this Province, and of all expenditures under this Act shall be laid before the Legislative Assembly at its next sitting.

Accounting to
the Legisla-
tive Assembly

4. Any part of the money appropriated by this Act which shall be unexpended on the thirty-first day of December, one thousand eight hundred and seventy-four, shall not be expended thereafter.

Moneys unex-
pended on
31st December

Accounting to **5.** The due application of all moneys expended under this Act shall be accounted for to Her Majesty.

SCHEDULE "A."

SUMS granted to Her Majesty by this Act for the year 1874, and the purposes for which they are granted.

To Salaries and Contingencies of the several Departments at Toronto :—

Government House.....	\$6,510 00	
Lieutenant-Governor's Office	2,500 00	
Executive Council and Attorney-General's Department	12,730 00	
Treasury Department	17,250 00	
Secretary and Registrar's Office.....	23,095 00	
Department of Public Works	18,102 00	
do. Agriculture	1,000 00	
do Immigration	1,400 00	
Public Institutions	5,450 00	
Crown Lands Department.....	50,130 00	
Miscellaneous	14,290 00	
Total Civil Government.....		152,457 00

LEGISLATION.

Total for Salaries, Contingencies and other expenses, as per details given in Estimates for 1874.....	115,050 00
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ADMINISTRATION OF JUSTICE.

Court of Chancery	20,930 00	
Court of Queen's Bench	8,770 00	
Court of Common Pleas	5,110 00	
Court of Error and Appeal	10,050 00	
Criminal Justice	121,000 00	
Miscellaneous Justice	40,800 00	
Total Administration of Justice.....		206,660 00

EDUCATION.

Public and Separate Schools	240,000 00	
Inspection of Public and Separate Schools	27,350 00	
Schools in New and Poor Townships... ..	6,000 00	
Collegiate Institutes and High Schools.....	82,000 00	
Inspection of do.	7,180 00	
County Examination of Teachers	1,935 00	
County Teachers' Institutes	2,800 00	
Superannuated Teachers	23,100 00	
Normal and Model Schools, salaries.....	16,900 00	
do Contingencies and repairs	7,065 00	
Educational Museum Library.....	3,900 00	
Journal of Education	2,600 00	

Maps, Apparatus and Library Books.....	50,000 00	
Educational Depository, salaries...	4,855 00	
do. Contingencies	4,335 00	
Education Office, salaries... ..	14,040 00	
do. Contingencies and repairs	5,240 00	
Council of Public Instruction.....	4,000 00	
Total Education.		503,300 00

PUBLIC INSTITUTIONS—MAINTENANCE.

Asylum for the Insane, Toronto.....	81,748 00	
do. London, and Idiot Asylum,		
Branch of same	80,342 00	
Asylum for the Insane, Kingston	52,195 00	
Provincial Reformatory, Penetanguishene	21,794 00	
Central Prison	41,690 00	
Institution for the Deaf and Dumb, Belleville.....	31,234 00	
do. Blind, Brantford	20,572 00	
School of Agriculture	22,500 00	
do. Practical Science	5,800 00	
Total Public Institutions—Maintenance		357,875 00

IMMIGRATION.

Agencies in Europe, including printing and expenses	32,164 00	
Agencies in Ontario and Quebec, including provisions		
for immigrants, their care and charge.....	20,000 00	
Carriage of Immigrants in Canada.....	10,000 00	
Assistance (by bonus) to Immigrants, to arrive in 1874	45,000 00	
do. arrivals in 1873, payable in 1874	25,000 00	
Incidentals	1,300 00	
Total Immigration		133,464 00

AGRICULTURE, ARTS, LITERARY AND SCIENTIFIC INSTITUTIONS.

Electoral Divison Societies, 73 at \$700....	51,100 00	
do. 1 at 550	550 00	
do. 7 at 350	2,450 00	
Fruit Growers' Association.....	1,000 00	
Entomological Society.....	750 00	
Agricultural Association	10,000 00	
For sundry services in connection with agriculture		
and arts, such as investigations of disease in ani-		
mals and crops, and of ravages of insects; and		
for agricultural instruction, dairy products, and		
other charges not otherwise provided for	2,000 00	
Mechanics' Institutes.....	20,000 00	
Art Union	500 00	
Aid to Canadian Institute, Toronto.....	750 00	
Aid to Institut Canadien, Ottawa	300 00	
Do. Athenæum, Ottawa.....	300 00	
To promote scientific research.....	500 00	
Total Agriculture, Arts, &c.....		90,200 00

HOSPITALS AND CHARITIES.

General Hospital, Toronto	11,200 00
House of Industry, do.	2,900 00
Protestant Orphan's Home and Female Aid Society, Toronto	640 00
Roman Catholic Orphan Asylum, Toronto.....	640 00
Lying-in-Hospital do.	480 00
Magdalene Asylum do.	480 00
House of Providence do.	1,000 00
Girls' Home and Public Nursery do.	320 00
Boys' Home do.	320 00
Eye and Ear Infirmary do.	1,000 00
Newsboys' Lodgings do.	240 00
General Hospital, Kingston	4,800 00
House of Industry and Refuge for Indigent Sick, Kingston	2,200 00
Orphan's Home, Kingston.....	640 00
Hotel Dieu do.	1,000 00
General Hospital, London.....	2,400 00
Roman Catholic Orphan Asylum, London.....	640 00
City Hospital, Hamilton.....	4,800 00
Roman Catholic Orphan Asylum, Hamilton.....	640 00
Orphan Asylum and Ladies' Benevolent Society, Hamilton	640 00
House of Refuge, Hamilton.....	720 00
Protestant Hospital, Ottawa.....	1,200 00
Roman Catholic do. do.	1,200 00
St. Patrick's Orphan Asylum, Ottawa.....	480 00
Protestant do. do.	480 00
St. Joseph do. do.	480 00
Magdalen Asylum do.	480 00
General Hospital, St. Catharines.....	1,000 00
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Total Hospitals and Charities.	43,020 00

MISCELLANEOUS EXPENDITURE.

To cover expenses of collection of revenue for law stamps and licenses.....	2,500 00
To cover expenses in connection with municipalities and other funds.....	500 00
To provide for expenses attending the settlement of the Municipal Loan Fund	4,000 00
To provide for expenses <i>re</i> Ontario and Quebec set- tlement.....	4,000 00
To provide for expenses <i>re</i> Northern and Western boundaries	4,000 00
Inspector of Railways.....	500 00
Ontario Rifle Association.....	600 00
Orillia Asylum Caretaker	200 00
Insurance on Public Buildings.....	1,500 00
Refund fees on Orange Bills for 1873.....	120 00
Jno. Montgomery, compensation for claims against Province of Upper Canada.....	3,000 00
Consolidation of Statute Laws relating to Ontario...	5,000 00
<hr/>	
Total Miscellaneous.....	23,920 00

UNFORSEEN AND UNPROVIDED.

To meet unforeseen and unprovided expenses..... 50,000 00

PUBLIC BUILDINGS.—*Capital Account.*

Asylum for the Insane, Toronto.....	3,200 00
Do. London.....	31,181 65
Inebriate Asylum, Hamilton.....	68,886 87
Provincial Reformatory, Penetanguishene.....	8 870 00
Central Prison.....	63,595 70
Deaf and Dumb Institute.....	8,634 62
Blind Institute.....	8,581 44
School of Agriculture.....	14,249 02
Do. Practical Science.....	200 00
Normal School and Education Office.....	12,000 00
Normal School, Ottawa.....	94,768 60
Osgoode Hall.....	3,500 00
Government House.....	2,000 00
Parliament and Departmental Buildings.....	5,999 25
Court House and Gaol, Sault Ste. Marie.....	1,500 00
Registry Office, do.....	1,200 00
Lock-up and Gaol, Thunder Bay.....	6,000 00
Do. Nipissing District.....	2,000 00
Registry Office, Parry Sound do.....	100 00
Do. and Lock-up, New District.....	3,000 00
Agricultural Farm, Mimico.....	2,146 50
Orillia Asylum.....	200 00

Total Public Buildings 341,813 65

PUBLIC WORKS.

Washago channel to wharf.....	1,000 00
Sydenham river improvements.....	644 74
Muskoka Falls, rock excavation, dam and sluices.....	4,565 36
Lock between Mary's and Fairy lakes.....	18,980 69
Ryerson road works.....	511 34
Settlers' Homestead Fund.....	8,279 73
Trent River, bridge.....	2,000 00
Washago and Gravenhurst road.....	1,200 00
Balsam river works, land purchase and dredging.....	1,200 00
Kaministiquia River, to complete dredging bar.....	11,399 96
Otonabee River, cribs and booms below Young's lock..	2,000 00
Dams and slides, Gull and Burnt river waters.....	17,500 00
Swing and fixed bridges, and approaches, at Port Carling.....	3,000 00
Timber slide, High Falls, Muskoka River.....	4,000 00
Wye river, piers and dredging of bar.....	8,000 00
Seugog river, dredging, &c.....	4,000 00
Surveys, inspections, arbitrations and charges, not otherwise provided for.....	5,000 00
Maintenance of locks, dams, and swing bridges.....	2,000 00
Lock masters' and bridge tenders' salaries.....	1,200 00
Drainage works.....	80,000 00

Total Public Works..... 176,481 82

COLONIZATION ROADS.

Construction and repairs.....	100,000 00
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CHARGES ON CROWN LANDS.

Expenditure on account, Crown Lands.....	127,467 00
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REFUND ACCOUNT.

Education	750 00	
Crown Lands.....	20,000 00	
Immigration.....	25,000 00	
Municipalities Fund.....	120,151 42	
Land Improvement Fund.....	22,686 55	
	<hr/>	
Total Refund Account.....		188,587 97
		<hr/>
Total.....		\$2,612,296 44

SCHEDULE "B."

Sums granted to Her Majesty by this Act to make good certain Payments and Expenditures for the year 1873, and a statement of the purposes for which they were granted.

SERVICES OF 1873.

Balance to be provided for in 1874, to complete the service of 1873, over-expended, as per Statement No. 32 in the Public Accounts of 1873:—

CIVIL GOVERNMENT.

Treasury Department, contingencies and repairs.....	1,305 44	
Secretary and Registrar's office.....	915 46	
Public Works Department.....	84 40	
Inspector of Prisons.....	313 03	
Crown Lands Department—salaries.....	283 34	
Do. contingencies	6,835 92	
Official Gazette.....	603 34	
Queen's Printer—contingencies.....	137 77	
	<hr/>	10,478 70

LEGISLATION.

Sessional writers, messengers and pages	1,375 95	
Printing, &c., Statutes.....	4,707 37	
Indemnity to Members.....	1,546 06	
Contingencies and repairs.	4,867 61	
	<hr/>	12,496 99

ADMINISTRATION OF JUSTICE.

Court of Chancery—salaries.....	83 35	
Law Reform Commission.....	114 58	
Miscellaneous Justice.....	1,955 49	
	<hr/>	2,153 42

PUBLIC BUILDINGS AND WORKS.

School of Industrial Science.....	1,103 93	
Normal and Model Schools.....	846 63	
Court House and Gaol, Sault Ste. Marie.....	13 96	
Government House.....	1,517 57	
Departmental Buildings.....	5,204 68	
Otonabee River works.....	17 25	
	<hr/>	8,704 02

ASYLUMS AND PUBLIC INSTITUTIONS—MAINTENANCE.

Toronto Lunatic Asylum.....	101 95	
Central Prison.....	598 33	
Agricultural College.....	1,707 29	
	<hr/>	2,407 57

EDUCATION.

Office contingencies.....	528 62	
Refunds.....	442 81	
	<hr/>	971 43
Immigration.....		5,194 22

CROWN LANDS EXPENDITURE.

Forest ranging, and inspection of timber lands.....	681 77	
Inspectors valuing lands.....	1,699 99	
	<hr/>	2,381 76

MISCELLANEOUS.

Unprovided items.....		4,743 03
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The following unpaid accounts to complete the service of 1873 :—

Civil Government.

East wing repairs.....	509 64	
Crown Lands Department repairs.....	198 43	
	<hr/>	708 07

Legislation.

Repairs, &c.....		690 02
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Public Works and Buildings.

Parliament Building at capital account.....	2,733 25	
Registry Office, Parry Sound do.....	62 12	
Government House.....	943 55	
Deaf and Dumb Institute.....	300 00	
Agricultural Collage, Guelph.....	809 12	
Lunatic Asylum, London.....	762 40	
Central Prison.....	3,442 50	
	<hr/>	9,052 94
Total.....		<hr/> 59,982 17

3rd Session, 2nd Parliament, 37 Victoria, 1874.

BILL.

An Act for Granting to Her Majesty certain sums of money to defray the expenses of Civil Government for the year one thousand eight hundred and seventy-four, and to provide for certain sums expended for the Public Service in the year one thousand eight hundred and seventy-three.

First Reading, 21st March, 1874.

Mon. Mr. CROOKS.

TORONTO:

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